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ABSTRACT

Student activity pages, teacher background information, and lesson ideas for teaching about law in social studies classrooms are presented in this supplementary packet. Section I provides suggestions for using community resource persons and lists Alabama resources for teaching about law. Activities in Section II focus on the need for laws and include a simulation activity, a play, and an activity to introduce students to the Bill of Rights. Activities in Section III relate the Alabama court system to the federal court system. Section IV presents information and activities for teaching about civil, criminal, and juvenile law, including a game to explain the reasons for and the process of questioning witnesses; complete mock trial scripts for two criminal cases; a categorizing information activity; a legal procedures activity for special students; a research activity; and case study analyses. Activities in the fifth and final section help students understand court-related terminology using newspapers, bulletin boards, and games. Although some activities focus primarily on Alabama's legal system, they can be adapted for use in other states. Each lesson includes procedures and reproducible student handouts. (LH)

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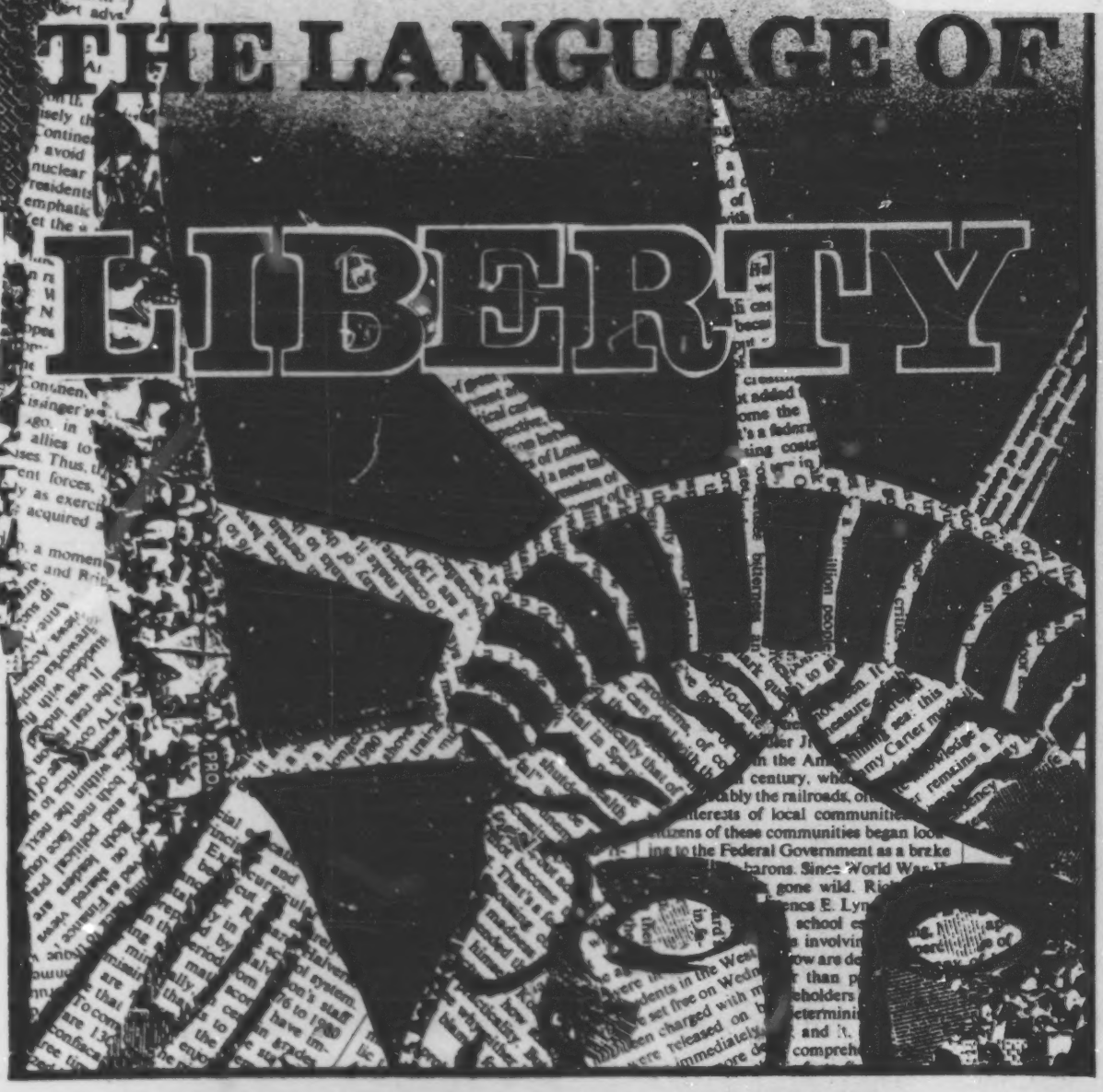
LAW

THE LANGUAGE OF LIBERTY



Supplemental Materials for Alabama Social Studies Teachers

GRADE 8 2

SP 016 367

LAW: THE LANGUAGE OF LIBERTY

SUPPLEMENTAL MATERIALS FOR ALABAMA SOCIAL STUDIES TEACHERS

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PREFACE

These Supplemental Materials Packets for Social Studies teachers are the culmination of a one-year cooperative effort involving the Administrative Office of Courts, the State Department of Education, the Alabama Education Association, and the Alabama Council for School Administration and Supervision.

The packets are being provided in an effort to furnish specific information to teachers and students about Alabama's laws and its system of justice. These materials and activities are not meant to substitute for the established curriculum in any way, but rather, they are intended to enhance it.

The packets may be taken apart so the suitable activities can be duplicated. In order to provide variety, as many ideas as possible have been included. Therefore, it is hoped that teachers will choose only those activities they feel will be appropriate for their students.

In order to help the project staff determine the usefulness of the program, an evaluation sheet has been provided at the end of each packet. Any comments or suggestions made on the evaluation sheet will be greatly appreciated.

Finally, these packets were designed to attain two goals, to provide assistance to teachers and help create a greater respect among young people for the law and its purposes.

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INTRODUCTION

The Alabama Course of Study for Social Studies requires the teaching of CIVICS AND LAW in the eighth grade. This packet of supplementary information and activities is designed to allow the student an understanding of three major concepts. These concepts are:

1. The need for laws;
2. The structure and function of the Alabama court system and its relationship to the Federal court system;
3. The court procedures in Alabama for a civil case, a criminal case, and a juvenile case.

All of the materials selected for inclusion in this packet have been used successfully by eighth grade teachers. Some of the materials were created by well-known law-related educational institutions. These have been reprinted with permission, and acknowledgement of that permission has been given.

SECTION I

GENERAL INFORMATION AND SUGGESTIONS

TO THE TEACHER

The suggested activities will be most useful when they are used with substantive information about the judicial system. The following publications, which are available through the Administrative Office of Courts (address and telephone numbers given below), will aid teachers who need precise and accurate information about Alabama's Court System.

Alabama Courts Come to Order
Set of slides and/or filmstrip. Your local school system should also have at least one copy of the filmstrip; contact the person in charge of media.

Alabama Courts Come to Order
A booklet for students which can accompany the slide presentation or filmstrip.

Alabama Appellate Courts
A booklet which describes the appellate courts and gives some biographical information about the judges who sit on those courts.

The Who, When and How of Using the Small Claims Court in the State of Alabama
A booklet which can provide background information for the teacher. Copies are also available through your local District Court.

Guide to Alabama Court Procedures
This is probably the most helpful single resource. It contains a good glossary of legal terms. One copy of the Guide should be included with this packet.

Alabama Juror's Handbook
A booklet given to jurors as they begin jury service. Copies may also be obtained by contacting your Circuit Court Clerk.

Administrative Office of Courts
817 South Court Street
Montgomery, Alabama 36130

Local number - 834-7990
Toll-free number - 1-800-392-8077

USING COMMUNITY RESOURCE PERSONS

TO THE TEACHER

Make extensive use of community resource persons to teach about law and court procedure. Examples: judges (Circuit, District, Municipal), clerks of court, lawyers, district attorneys, sheriff, police, probation officers, ex-offenders.

A successful classroom hour can best use community resources by preplanning.

1. Give the resource person enough lead time.

2. Prepare the speaker as to the size, age level and background of your class.

3. Let the speaker know what you are currently studying and how the speaker fits in. Tell him or her what materials you are using.

4. Determine the appropriate method of preparation.

   a. lecture
   b. panel discussion
   c. mini-lecture with discussion
   d. mock trial/role play/simulation
   e. debate
   f. other activity you would like speaker to try

5. Prepare the class.
   Have materials read and discussed; students should prepare questions in advance. In role-play, have students discuss problems.

6. If video taping equipment is available, tape presentations by resource people. These can be used for review or for classes the speaker cannot visit in person.

SECTION II

THE NEED FOR LAWS

ISLAND SIMULATION

TO THE TEACHER

Island Simulation is designed to stimulate student's thinking about the need for laws whenever any group of people live together at any place or in any given time. It will provide insights into the decision-making processes which determine what kinds of laws are necessary and who will be responsible for enforcing them.

PROCEDURES

* Divide the class into groups of six to eight students. Have the groups arrange themselves in a circle so that each person can see everyone else.
* Give each student a copy of ISLAND SIMULATION. Instruct them to read it and then decide what they are going to do.
* Do not appoint group leaders--allow them to emerge. Also do not appoint the group recorder. It will be necessary for you to tell the students that the group's decisions must be recorded and that one person should be responsible for that duty, but allow the group to make their own decision.
* After about 5 to 8 minutes, give each group at least one copy of "THINGS TO CONSIDER WHEN PLAYING 'ISLAND SIMULATION'."
* Allow play to continue for another 20 minutes and then ask that person who became the leader of each group to tell what his or her group decided to do.
* The teacher should then discuss with the class his or her observations of each of the groups.

TEACHER OBSERVATIONS

Once the groups begin their discussions, the teacher should move around the room and keep notes as to the following types of developments. (NOTE: You may want to write down this list of questions ahead of time for each group of students so that you can quickly fill in the answers as you observe the groups.)

1. Who began to assume dominance over the group in terms of leading the discussion or making the most suggestions?

2. Who made the most reasonable suggestions? What was the group reaction to these?

3. What was the first decision made by the entire group? How was it made (domination by one or a few; apathy by the majority; vote by the group, etc.)?

4. Who became the group recorder? How did that person get the responsibility?

5. What was the first rule (law) the group established?

6. Did the group establish any other rules (laws)? What were they?

ISLAND SIMULATION*

You are all on an island that is three miles long and one mile wide. The island is located in a large ocean. This island is not on any map. No plane or ship passes it. A warm water current flows past the island. The highest elevation is a three hundred foot hill at the north end of the island. A cave is in the hill. In the cave is a box. The box is in a puddle of water. Inside the box is 500 pounds of wheat. The wheat is not wet. The box is waterproof. There is a fresh water spring on the island. One-third of the island is covered with plants. The rest of the island supports no vegetation.

The transportation which brought you to the island is wrecked and sunk in deep water. If you were on a ship, the ship is sunk three miles away. Nobody knows where you are. The last time you touched land was 1000 miles away. Nobody there knew where you were going. If you traveled by air, all contact with others was lost. Your radio went out when you were 1000 miles away from your departure point. You have not been on anyone's radar for 800 miles. In either case, no message for help was sent.

Through a miracle, no one was hurt. You are as well as you are right now.

WHAT ARE YOU GOING TO DO?????

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THINGS TO CONSIDER WHEN PLAYING "ISLAND SIMULATION"

Do we know that there is no one else here?

Do we know if we need protection here?

What do we have?

What do we need?

Who will be our leaders?

What should we do to get started?

What should we do in the first 24 hours?

SCHOOL WITHOUT RULES

By Dorothy Rigby and Jane Siengenthaler

TO THE TEACHER

The following play was written and developed as an introductory lesson for a law-related unit at the junior high school level. It may be used in a variety of ways; ideally, if your school has the proper equipment, it is recommended that you produce this play for video-tape so that it may be used in other classes in your school system or elsewhere in the community. Using student actors, simple props and sets, and even utilizing student directors and camera-persons, the activity becomes an exciting, multi-faceted learning experience.

If an interdisciplinary approach is desired, students in an English class or drama club could be involved in script writing and production. As an alternative to actually producing a scripted play, you may want to simply describe the situation to the class, assign roles to selected students, and have them role-play the scenario as they think it would develop.

OBJECTIVES

Following this activity, students should be able to:

1. Understand and demonstrate the need for rules and laws, both within and between groups;
2. Explain the need for authority;
3. Differentiate between power and authority;
4. List some ways laws help people; and
5. Demonstrate an awareness of how acceptable behavior may differ within various groups.

DEBRIEFING

At the conclusion of this activity, students may wish to discuss the following questions:

1. In No Rule High School, which had no rules and law, how was authority determined?
2. How did the lack of rules affect the students' relations with their peers?
3. What specific individual rights were affected by the lack of rules?

4. What behavior patterns are acceptable at No Rule High School but are unacceptable at your school?

5. Under what conditions could a community exist without laws or rules?

6. Identify a rule or law which exists in each of the following communities and give a possible reason for its existence: (a) School, (b) Home, (c) Township or Borough, (d) State, and (e) Nation.

7. Can you think of a rule or law which you would like to change? If so, how would you go about changing the rule or law?

EXTENDED ACTIVITIES

1. The principal could be invited to discuss with your class why certain rules are in effect.

2. Students could list laws designed to protect individual rights and those designed to regulate their behavior.

3. Students could be asked to construct a code of laws for their school.

4. Students could compare and contrast the acceptable behavior of elementary school, junior high, and senior high school.

SCHOOL WITHOUT RULES*

By Dorothy Rigby and Jane Siegenthaler

Scene 1: The Bungler family living room. Mrs. Bungler is seated in a lounge chair. Mr. B. is reclining on the sofa. Daughter Kathy enters.

Kathy: Hi, I'm home.

Mrs. B.: How was school today, Kathy?

Kathy: Awful, I hate that place!

Mrs. B.: What now? Every day you have a new complaint.

Kathy: I'm just sick of it. They have all these dumb rules, you'd think we were little kids or something. They don't trust us to know how to act at all. I mean like hall passes, now that really is dumb. Don't they think high school kids know how to act?

Mr. B.: Now wait a minute, Kathy, schools have to have some rules.

Kathy: Oh, no they don't! You know, I asked again and again to be allowed to go to No Rule High School in Liberty-town. They don't have any rules in the whole school. In fact, they don't have any rules in the whole town and they get along fine.

Mr. B.: Hold on--how do you know they "get along fine?"

Kathy: Well, I know some kids from my school went there and they told me about it. Ah, Dad, c'mon, be open-minded like you say you are. Our high school treats us like a bunch of babies, and they make you take all these courses, you hardly get any choices at all. At No Rule High School you can take anything you want.

Mrs. B.: Oh, that's great, and what about college? If you take any old thing you want, what do you think will happen when you try to get into college?

Kathy: Mom, I don't even know if I want to go to college. Anyway, what I can do is find out the requirements for college and then choose the courses I'll need.

Mrs. B.: (sits up) But then aren't you making yourself go by a rule?

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Kathy: That's the point, Dad, I'll be setting up my own rules, not somebody else telling me what to do.

Mrs. B.: How do you know they offer the courses you'll need? After all, if there are no rules, they don't have to teach anything.

Kathy: I know they do becasue I wrote a letter to the principal, Ms. Vice, and she sent me some information. Just a minute. I'll show you. (She exits.)

Mr. B.: Do you think we ought to give her a chance at this new school?

Mrs. B.: Oh, I don't know, I hate to have her going away from home. She's only 17, and besides, I'll miss her. Do you think she's really that unhappy with the high school here in town?

Kathy: (Returns with folder and shows it to her parents.) Look, here it is, all about classes and the dorms and everything. Look, Dad, I figured out, it wouldn't cost that much more to send me to that school than it does to keep me here.

Mrs. B.: But, darling, we'll miss you. Libertytown is over a hundred miles from here.

Kathy: It's only two hours, Mom. I'll be able to come home on weekends sometimes and of course for vacations. And I'll write you often and you can call me up. Oh, please, please, can't I try it? Just for one semester?

Mrs. B.: What about your friends, Kathy? You won't see them anymore.

Kathy: Just think of all we'll have to talk about when I come home. Maybe after I'm there a while some of my friends will come to Libertytown, too.

Mrs. B.: You're really serious, aren't you?

Kathy: Yes, I am, Mom. Don't you think I'm grown up enough to take care of myself?

Mr. B.: Kathy, you know that's not it. It's just that your Mother and I, we, well...

Kathy: Mom, Dad, please, just let me try it. If it doesn't work out I promise I'll come home without an argument. I just have to get out of that prison!

(Mr. and Mrs. B. exchange glances, Mrs. B. nods.)

Scene 2: Kathy's room at school. She is sitting at a desk writing. (VOICE OVER)

Kathy's voice: Dear Mom and Dad, my first two weeks at school have really been interesting. My teachers all have different methods of grading. For example, Dr. Scale, my science teacher...

(Fade to Science classroom scene. Focus on Dr. Scale)

Dr. Scale: Now, class, I would like you to observe my grading system. According to my theory, the intelligent and/or informed student will have more to say on a test paper or a lab assignment. Therefore, his paper will actually, in fact, weigh more than the less well-read students'. Of course, you all see the impartiality of this. It doesn't matter who you are or what you say, as long as you get a lot of ink on the paper. Of course, some paper might be heavier to begin with, but so what. Naturally, I curve the grades so that seven percent of the heaviest papers will get an "A" while the lightest papers will fail. Any questions?

(Focus on Mrs. Worldly, Social Studies teacher. Her class is a bit out of control.)

Mrs. W.: Students! Students! If you would like to listen for just a moment, I'll tell you how your work in social studies is graded. Since social studies and English are so closely related, we have a similar grading system. However, unlike your English teacher, Ms. Lit, who throws papers upstairs, I throw papers down the stairs. If your paper lands on the lowest step, you get an A, next lowest, B, and so on. Of course, you all see the inherent fairness of this system. Anyone can get an A, whether they know anything or not. Any questions?

Student: (unseen) Yes, I have a question, do you give grades?

(Re-focus on Ms. Worldly. She has a puzzled expression. Scene then fades to another classroom: Math class. Focus on Mr. Fraction, Math teacher)

Mr. F.: I believe there should be an equal number of all grades in math class. Of course, they should be distributed anonymously, so if you disagree, tough, Kid, because this is my class and I run it the way I want to and no one can do anything about it. When I give a test I start with the first paper and give it a grade, say a "C". Then I go through the pile of papers giving a sequence of letter grades--C,D,F,A,

B,C,D,F,--so every fifth paper gets the same grade. This system of grading is completely unbiased and, therefore, completely fair.

(Blur our. Back to Kathy writing: VOICE OVER)

Kathy's Voice: Well, so much for my classes, now let me tell you about the rest of the school...

(Focus on Kathy talking to friend in student lounge)

Kathy: I don't know what to do about my roommate. She keeps taking my things. First she stole a pair of earrings, then Mom sent me some cookies and she ate them all--as if she needed them, she's only three times bigger than I am. Yesterday she took my last pen and this morning my favorite bracelet was gone. What would you do? The housemother won't do a thing because she's afraid of the big ox, too!

Friend: Well, I don't know that there's anything you can do. I mean after all, the chick is three times your size and there's no rule that says she has to respect your property. Even the Libertytown police won't do anything, since there are no laws here. All they do is ride around on their motorcycles.

Kathy: Well, I guess you're right, but it sure does make me mad. I guess I'll have to buy some locks for everything. Listen, what extra-curricular activities are there here?

Friend: Well, let's see, there's Stamp Club, Nature Club, Student Council...

Kathy: Oh, how do you get into Student Council?

Friend: I don't really know. They have elections, sometimes, but they don't really announce them. And they don't check on the voting so you have to get some friends to sit around and stuff ballot boxes. Then, they don't count the votes anyway, they just sort of stack them in piles...Oh, look, here comes the Student Council President now--ask him how to get in.

(A large boy enters, trailed by several smaller characters)

Kathy: Excuse me, are you the Student Council President?

Harry: Yeah, Baby, what about it?

Kathy: Well, I'd like to run for Student Council--what should I do?

Harry: First of all, ya' go out with me, and then I'll make the necessary arrangements--if I like ya'.

Kathy: Well, I don't...what I mean is, what about elections?

Harry: Elections?! Ha! I didn't win no 'lection. This punk turkey was goin' 'round sayin' he's the president. Well, me and some o' the guys took care a' him, so now I'm the president, right, boys?

Boys: Yeah, Harry, right.

Harry: (Grabs one of the boys and lifts him by the front of his shirt) You better say that, Kid, and don't forget it! Anyway, baby, I'll pick ya' up at 8:00.

Kathy: Uh, I changed my mind, I don't think I want to be on Student Council after all. Maybe I'll join the Self-Defense Club instead.

(Back to Kathy writing: VOICE OVER)

Kathy's voice: This week I had a few problems. I went to talk to the principal about my...

(Focus on Kathy and Ms. Vice, the Principal, in the Principal's office)

Kathy: Ms. Vice, I need help with a few problems I've been having this week. First of all, look at my hand. This guy slammed it in the locker because he was mad at me. What can I do about it?

Ms. Vice: Well, you could get it taken care of by a doctor. But since we have no rules, there's nothing else I can do about it.

Kathy: Well, what about this? When I came out of class the other day this girl on my floor was slashing my bicycle tires. When she saw me, she ran and I couldn't catch her. I think she should have to buy me a new set of tires, don't you?

Ms. Vice: Yes, I see your point, but really, Kathy, there's nothing I can do. You could steal her tires, or slash them to get back at her, unless, of course, you're afraid of her.

Kathy: I'm not afraid, I just don't think that's the way to settle it. I guess I'll think of something. There's

one more thing I'd like to talk to you about, as if it will do any good. Someone has been putting up posters around the school saying I'm a drug pusher.

Ms. Vice: Are you?

Kathy: NO!

Ms. Vice: You could take them down. Or you could put up signs saying you're not a drug pusher, or you can put up signs accusing them of being pushers. Or, you can scare them into a public apology.

Kathy: Oh great. I don't think any of those ideas will really help. When someone tells lies about you, they should have to answer for it.

Ms. Vice: I don't understand Kathy, I thought you wanted to come to No Rule High so you could be free from rules and laws. Everyone is here for the same reason, so they won't have to live by any rules. Don't you like this freedom?

Kathy: (Disgusted) Oh, yeah, it's great, just great. Thanks a lot, Ms. Vice.

(Phone rings as Kathy leaves Ms. Vice's office. Ms. Vice answers it.)

Ms. Vice: $20 on White Lightning in the 3rd? O.K., Shorty.

(Focus on Kathy, writing: VOICE OVER)

Kathy's voice: This morning I went to the library to get some books for a social studies report, but the books that weren't stolen had either been burned or marked up by people who didn't like them. So, I can't do my homework. But then I guess it doesn't matter anyway, except to me.

(Fade to black)

A VISITOR FROM OUTER SPACE

TO THE TEACHER

Knowledge of the Bill of Rights is essential to the understanding of such concepts as the rights of the accused and fair trial. This activity can be used to introduce the study of the Bill of Rights and again at the end of the study or at the conclusion of a unit related to the rights and freedoms granted in the Amendments.

PRELIMINARY PREPARATION

- Prepare enough copies of A VISITOR FROM OUTER SPACE for each pupil.
- Pre-record STHGIR's speech, using an "unearthly" voice and/or sound effects. Conceal the tape recorder until you are ready to turn it on.

PROCEDURE

1. Divide the class into groups of 3, 4, or 5.
2. Read the first paragraph of A VISITOR FROM OUTER SPACE.
3. Turn on the tape recorder and listen to STHGIR's speech.
4. Explain that each group represents a family or friends who were watching television together when STHGIR spoke to them via television.
5. Allow about 15 minutes for the groups to rank the freedoms as directed by STHGIR.
6. The leader of each group will report the decision of that group. Reasons must be stated for ranks, 1, 2, and 10.
7. Collect the ranking sheets and tabulate the groups' responses to use for comparison at the end of the study of the Bill of Rights.

A VISITOR FROM OUTER SPACE

It is the year 1993, and you are living a quiet, prosperous life here in Alabama. You are quietly watching television with your family when a special news bulletin comes over the TV station. You immediately see that this is not the normal type of news bulletin because there is what looks like a very strange creature on the screen -- the only thing which is familiar is that he is speaking in English. He tells you that he and his people have gained control over all the communications networks in the United States and that everyone had better pay attention to what he has to say. You change the channel and just as he said, there he is on every station. He begins to speak very loudly and you gather your family around because you are beginning to worry about what he is going to do. His speech is as follows:

"My name is STHGIR, and I am from the planet NOITUTITSNOC in another galaxy where the inhabitants are far superior to the beings on this planet EARTH. Just as we have gained control over the communications of the United States, we have the ability to take complete control over everyone of your lives. We do not want a war between our planet and yours, but we do want to control some things so that we can live in peace and harmony with you. We have looked at some of your laws and the way your government operates and have found it to give too much freedom to the individual. Therefore, we are going to conduct a survey to try and arrive at a decision in which both you and I are happy. As I have said, I do not want to take everything away from you, but I can't allow you to continue to live as you have in the past. Therefore, I am giving you a list of ten of the rights which you now have, according to your constitution. You are to look over the list and decide which of the ten are the most important to you. I will allow you to keep five of the ten rights -- the five which get the most votes from all the citizens of the United States. You are to rank the following rights in the order in which you would give them up with 1 being the one you would give up last, and 10 being the one you would give up first. After you have completed your ranking, you will receive further instructions."

_____ Right to bear arms
_____ Right of freedom of speech
_____ Right to legal counsel
_____ Right to protection of cruel and unusual punishment
_____ Right to freedom of the press
_____ Right to a jury trial
_____ Right to freedom of religion
_____ Right to peacefully assemble
_____ Right to protecting self-incrimination
_____ Right to privacy

SECTION III

THE ALABAMA COURT SYSTEM AND ITS RELATIONSHIP TO THE FEDERAL COURT SYSTEM

ALABAMA COURTS COME TO ORDER

TO THE TEACHER

The information and script on the following pages accompany each slide presentation (or filmstrip) when it is loaned by the Administrative Office of Courts. You may borrow either the filmstrip or slide show by writing or calling the Administrative Office of Courts (the address and toll-free telephone number appear at the bottom of the next page).

At least one copy of the filmstrip has been sent to your school system's resource center. It is suggested that you first contact your system's resource center to borrow the filmstrip prior to making a request to the Administrative Office of Courts.

A booklet entitled, Alabama Courts Come to Order, offers a good supplement to the filmstrip/slide show. A class set can be ordered through the Administrative Office of Courts.

RECOMMENDATION

If you plan to invite a resource person to speak to your class(es) about Alabama's court system, show the filmstrip or slide presentation and have your students read and study the booklet before your guest arrives. Also let your guest speaker know what your students have studied. This preliminary work will help to establish a good basis of understanding for everyone.

INSTRUCTIONS FOR USING UNIFIED JUDICIAL SYSTEM SLIDE PRESENTATION

"ALABAMA COURTS COME TO ORDER"

MATERIALS ENCLOSED:

(1) slide carousel tray - (140 transview)

(2) cassette tape

(3) script - (you may keep the script for instructional purposes)

MATERIALS NEEDED:

(1) slide projector

(2) cassette tape player

INSTRUCTIONS:

Previewing is recommended.

(1) Begin with the first slide, the title slide, which reads, "Alabama Courts Come to Order."

(2) Start the cassette tape and, at the sound of the tone, change to the next slide.

(3) Continue to change slides at the sound of the tone throughout the presentation.

(4) At the completion of the presentation, please rewind the tape to the beginning.

RETURNING THE MATERIAL:

Please be sure to:

(1) Lock the slides in the carousel tray;

(2) enclose the cassette tape; and,

(3) return First Class U.S. Mail to:

Administrative Office of Courts
817 South Court Street
Montgomery, AL 36130
ATTN: Ms. Julie Young
Telephone: 834-7990 or 1/800/392-8077

INSTRUCTIONS FOR USING UNIFIED JUDICIAL FILMSTRIP PRESENTATION

"ALABAMA COURTS COME TO ORDER"

Materials enclosed: (1) filmstrip and canister

(2) cassette tape

Materials needed: (1) filmstrip projector

(2) cassette tape player

INSTRUCTIONS:

Previewing is recommended.

(1) Begin with the first frame, the title frame, which reads, "Alabama Courts Come to Order."

(2) Start the cassette tape and, at the sound of the tone, change to the next frame.

(3) Continue to change frames at the sound of the tone throughout the presentation.

(4) At the completion of the presentation, please rewind the tape to the beginning.

RETURNING THE MATERIAL:

Please be sure to:

(1) Place the filmstrip in its canister;

(2) Enclose the cassette tape;

(3) Wrap the box for mailing; and,

(4) Return First Class Mail to:

Administrative Office of Courts
817 South Court Street
Montgomery, AL 36130
Attn: Ms. Julie Young
Telephone: 834-7990 or 1-800-392-8077

SCRIPT OF "ALABAMA COURTS COME TO ORDER"

Background noise: gavel sounds four times.

NARRATOR: Ladies and gentlemen, the Chief Justice of the Supreme Court of Alabama, The Honorable C. C. "Bo" Torbert, Jr.

CHIEF JUSTICE TORBERT: Chief Justice George W. Stone, of the Alabama Supreme Court, in an address delivered in 1889, after extolling the wonderful progress in the 19th century in the industrial arts, in scientific discovery, in facilities for travel and means of intercommunication, declared:

> 'It cannot be supposed that judicial administration can, or will, stand still amid this stirring activity.'

The people of Alabama, in ratifying a new amendment, the Judicial Article, to the Constitution of Alabama in December of 1973, declared in no uncertain terms that they do not want judicial administration in Alabama to stand still amid the challenging events of this decade of the 20th century.

Great progress has been made in updating and improving the administration of justice in Alabama. Alabama's court system, which only a few years ago was plagued by fragmentation, disorganization, and case backlogs, is now recognized as one of the outstanding court systems in America.

I am pleased to have this means of conveying to you some important and interesting information about the structure, duties, and accomplishments of Alabama's judicial system.

NARRATOR: Less than a decade ago, Alabama's judicial system consisted of a multitude of semi-independent courts. Their jurisdictions, organizational structure, and procedures varied widely from county to county and from court to court.

Trial delays and excessive backlogs of cases were common. Many judges were not required to have any legal training.

The public was confused, frustrated, and had little confidence in their courts.

In 1973, the Judicial Article was approved by the Legislature and overwhelmingly ratified by the voters of Alabama. This Constitutional Amendment reorganized the fragmented court system of this state into a unified system, complete with centralized financial and administrative responsibility. Under this Constitutional Amendment and the implementing legislation that followed, the courts of Alabama underwent dramatic change.

Under the rule-making power granted to it by the Judicial Article, the Supreme Court adopted rules of practice and procedure and judicial administration for all courts throughout the state.

These rules established uniform procedures to be followed in all courts in this state, thus eliminating many of the technicalities which had caused delay in the trial courts and needless reversals in the appellate courts. They were designed to secure the just, speedy and inexpensive determination of every legal action.

Let's briefly examine the organizational structure of Alabama's unified judicial system.

On the local level, municipalities are authorized by the Judicial Article to either maintain their municipal courts or abolish them and utilize the newly-created district courts.

Municipal courts, operating under uniform procedures statewide, hear cases involving municipal ordinance violations such as traffic infractions.

Probate courts have general jurisdiciton over such matters as the probate of wills; the administration of estates of persons who have died without wills; the business of orphans; and the partition of lands.

There is a probate judge in each of Alabama's 67 counties. In many cases, the probate judge is also the chief administrative officer of county government.

The major trial courts in Alabama are the district and circuit courts. These courts hear cases which may be divided into two categories: civil and criminal.

Civil cases involve disputes between private citizens, an individual and a business, or between two businesses. Typical examples of civil actions are suits for divorce, personal injury, or breach of contract.

Criminal cases are actions brought by the State on behalf of the public to punish an individual for committing criminal acts against person, property, or the public well-being.

There are basically three types of criminal acts or crimes: felonies, misdemeanors, and violations.

A felony is a serious offense which may be punished by imprisonment for more than one year and includes such offenses as murder, robbery and other crimes of violence.

A misdemeanor is a less serious offense which may be punished by imprisonment for up to one year and/or a fine, and includes such offenses as trespassing or traffic violations.

A violation is an offense for which a sentence to a term of imprisonment not in excess of 30 days may be imposed and includes such offenses as loitering and public intoxication.

Under the Judicial Article, the new district courts replaced a hodgepodge of local county courts. The district courts are

Alabama's courts of limited jurisdiction.

In those cities and towns which chose to abolish their municipal courts, the district courts took over the jurisdiction of criminal misdemeanors and traffic cases which involve violations of city ordinances.

The district courts have concurrent jurisdiction with the circuit courts in domestic relations and juvenile cases; and, in civil cases involving amounts exceeding $500 but less than $5,000.

A small claims court operates within the district court of each county. These courts have exclusive jurisdiction over all civil actions where the amount in controversy does not exceed $500.

Private citizens can go to the small claims court and file actions in claims involving $500 or less without being represented by an attorney.

A free booklet explaining how to file a small claim action is available at all district courts.

There are 88 district judges in our state. They are elected to six-year terms, and vacancies are filled by appointment of the Governor.

Alabama's courts of general jurisdiction are the circuit courts which have original trial jurisdiction over all criminal felonies; and, original jurisdiction over all civil actions involving $5,000 or more, or which seek equitable relief, regardless of the amount in controversy.

Alabama's 67 counties are grouped into 39 judicial circuits with from 1 to 19 circuit judges serving in each. There is a presiding judge in each of the 39 circuits.

The presiding judge exercises general supervision over court operations within the circuit.

There is a total of 113 circuit judges who are elected to six-year terms. Vacancies are filled by appointment of the Governor.

Sometimes when a case is decided in a lower court or trial court, it will be appealed, or sent to a higher court for review.

If a case is appealed from a district or municipal court, appellate jurisdiction usually lies with the next highest court, the circuit court. If an appeal is taken to the circuit court, the case is tried de novo, meaning it is tried over again as if it were a new trial.

If a case is appealed from a circuit court, appellate jurisdiction lies with one of Alabama's Court of Appeals or with the Supreme Court.

There are three appellate courts in Alabama: The Court of Civil Appeals, the Court of Criminal Appeals, and the Supreme Court.

Appellate courts do not try cases, have juries or witnesses, or court reporters.

They are restricted to the evidence and exhibits presented at the trial court level.

They review actions or decisions of the trial courts on questions of law or allegations of procedural errors.

When a case is appealed, a printed or typewritten record of the proceedings in the trial court is sent to the appropriate appellate court.

The attorneys for both sides prepare written briefs which set out the reasons why they think the lower court decision should be "affirmed" or "reversed."

At the request of either party, attorneys may orally argue their points of law before the appellate courts.

After hearing oral arguments, reading the briefs, and studying the law, the appellate judges make a decision and, in most cases, write what is known as an "opinion."

An opinion is a written statement of the court's decision and the reasons upon which that decision is based.

The Civil and Criminal Courts of Appeal are known as the intermediate appellate courts.

The Court of Civil Appeals has original jurisdiction over appeals of all civil cases where the amount does not exceed $10,000. It also has appellate jurisdiction of all appeals from administrative agencies other than the Public Service Commission. It hears appeals in workmen's compensation and domestic relation cases.

The Court of Civil Appeals is composed of a Presiding Judge and two Associate Judges, each selected to serve six-year terms. The court's offices are at 2600 East South Boulevard in Montgomery.

The Alabama Court of Criminal Appeals hears every appeal in criminal cases, including death cases, and appeals of convictions in cases involving misdemeanors and violations of town and city ordinances.

The Court of Criminal Appeals consists of a Presiding Judge and four Associate Judges. Each member of the court is elected to serve a six-year term. This court holds sessions in the Judicial Building in Montgomery.

The Supreme Court of Alabama is the highest court in Alabama's unified judicial system.

As the highest judicial tribunal, the Supreme Court has the power to superintend and review any case tried, heard or appealed in any other court in the State. Many cases can be appealed directly to the Supreme Court, but all criminal and many civil appeals may first go to one of the intermediate Courts of Appeal.

The Supreme Court is composed of a Chief Justice and eight Associate Justices. All are elected by the citizens of Alabama for six-year terms.

The Supreme Court generally holds sessions of court in the Judicial Building near the Capitol in Montgomery. The Court can, and does, hold sessions in other towns and cities in the State.

In addition to hearing appeals, the Alabama Supreme Court is charged with the responsibility of promulgating rules governing administration, practice and procedure in all courts.

The Chief Justice of the Supreme Court is the Chief Administrator of the state judicial system. He is charged with the responsibility of ensuring that the courts operate efficiently and effectively.

In 1971, the Department of Court Management was established to assist the Chief Justice in carrying out these administrative duties. Its name has now been changed to the Administrative Office of Courts.

The Administrative Office of Courts works with judges, clerks, registers, court reporters and other judicial support personnel within the state to administer our system of justice.

The operation of Alabama's courts is dependent upon the contributions of each of the 1400 people who are employed by the unified judicial system.

* The various court judges render decisions based on the law.
* Court reportes record testimony and trial actions.
* Bailiffs, sheriffs and other law enforcement officers maintain court order and security.
* Sheriffs also serve court documents.
* Law clerks help research legal issues.
* Judicial secretaries assist in the preparation of Orders and

in the day-to-day administration of the office.

* Circuit and District court clerks and registers maintain the official court records. They also receive and account for court monies.

* Magistrates and warrant clerks assist in the issuance of warrants.

* Court administrators help presiding judges administer court functions.

Individuals who are not employed by the unified judicial system but who are vital to our court system include:

* The some 6,000 lawyers who represent citizens in judicial proceedings.

* District attorneys, who prosecute criminal cases on behalf of the State.

* Juvenile probation officers, who assist our juvenile court judges.

* Probation officers for the Board of Pardons & Paroles, who prepare presentence reports and monitor persons on probation.

* County and city governments, which provide court facilities and services for the unified judicial system.

Allen L. Tapley is the Director of the Administrative Office of Courts. He is charged with the responsibility of providing the systematic management services needed for the efficient operation of our unified court system.

Under Chief Justice Torbert's leadership, the Administrative Office of Courts is working daily to develop and implement new methods and techniques to provide cost-effective management of our court system.

To date, these efforts have been successful. The state judicial system spends less than 2% of total state revenues.

Let's briefly review some of the many accomplishments which have taken place in just the past few years:

* More than 10,000 court forms utilized under the old system have been consolidated into approximately 300 standard forms which are now used in all courts.

* A uniform court personnel system has been established and is in operation.

* Centralized budgeting has increased cost effectiveness and financial accountability within the courts.

* All court records (some of which date back as far as 1819) have been inventoried.

* A schedule for the destruction of unnecessary records has been established. Records not destroyed will either be microfilmed for easy storage and retrieval or will be given to the State Department of Archives for historical purposes.

  This project will free thousands of feet of courthouse space for other purposes.

* Code-a-phones have been installed in several courts. Jurors and witnesses may call the courthouse after 5 o'clock to learn if they will be required to appear in court the following day. If not, they may report to their jobs rather than wasting countless hours in courthouse halls or jury rooms.

  This telephone call-in system not only saves jurors and witnesses time, but also saves taxpayers money.

* A Uniform Traffic Citation control program has been established. Every traffic ticket is now numbered, so that each ticket may be accounted for as it enters the system. This program has added hundreds of thousands of dollars to state revenue collections.

* A new computer information system provides statistical data on the number of civil, criminal and juvenile cases filed, disposed of, and pending in each of the circuit and district courts of Alabama.

* This information enables the Administrative Office of Courts to monitor the flow of cases in each circuit, as well as provide assistance to those circuits where a backlog of cases is indicated.

As a result of utilizing the case-tracking system, our court dockets are more up to date than at any time in modern history.

In spite of rising case loads, backlogs in both the circuit and district courts have been reduced; and

All three appellate courts have maintained current dockets since 1973.

* In an effort to provide professional education and training for judges and other court personnel, the Administrative

Office of Courts established the Alabama Judicial College. Located in Farrah Hall on the University of Alabama campus in Tuscaloosa, the college provides a wide range of training and continuing education programs for judges, clerks, registers, court reporters, and other court personnel.

* The Judicial Inquiry Commission was created to conduct investigations and receive or initiate complaints concerning any judge for misconduct in office or failure to perform his or her duties.

* The Court of the Judiciary was created to hear complaints filed by the Judicial Inquiry Commission and has the authority to remove or suspend from office any judge found guilty of violating any canon of judicial ethics.

Many changes have been made in Alabama's court system, and many more are planned. The judicial system is constantly under study, and, even now, priorities are being set for the continued improvement of the administration of justice in Alabama. We have every reason to be proud of Alabama's court system. It is a model for the Nation.

The National Center for State Courts has rated Alabama's court system as one of the ten best in the United States.

A recent Law Enforcement Assistance Administration audit report rated Alabama and Kentucky as having the best court systems in the Nation.

This national recognition is due to the cooperation of municipal and county officials, the legislative and executive branches of government, institutions of higher learning, the state's lawyers, and, especially, concerned citizens.

CHIEF JUSTICE TORBERT: It is up to you, as citizens of Alabama, and me, as Chief Justice and Chief Administrator of our judicial system, to see to it that our nationally-acclaimed court system continues to improve. Our goal should be to ensure that swift, sure, and equal justice, is afforded all citizens of Alabama.

As Chief Justice, I am deeply conscious each day of the very heavy responsibility for the true and faithful administration of justice that you, the citizens of Alabama, have placed upon those of us who constitute the judiciary.

We seek to maintain the kind of judicial system to which the people of Alabama are entitled: efficient, expeditious and economical in its operation; and fair, impartial and just in its decisions. We are confident that this effort will be rewarded by the continuing faith of the people of Alabama in our judicial system.

INSTRUCTIONS FOR MAKING TRANSPARENCIES

OF THE

ALABAMA UNIFIED JUDICIAL SYSTEM

TO THE TEACHER

The basic diagram of the Alabama Unified Judicial System is a valuable tool for teaching the structure of the system. A written description of the function of each court, shown on the diagram in proper relationship the courts will help students to learn the jurisdiction of each.

PROCEDURES

1. The transparencies can be made with an office machine with that capability or can be hand-drawn and lettered.

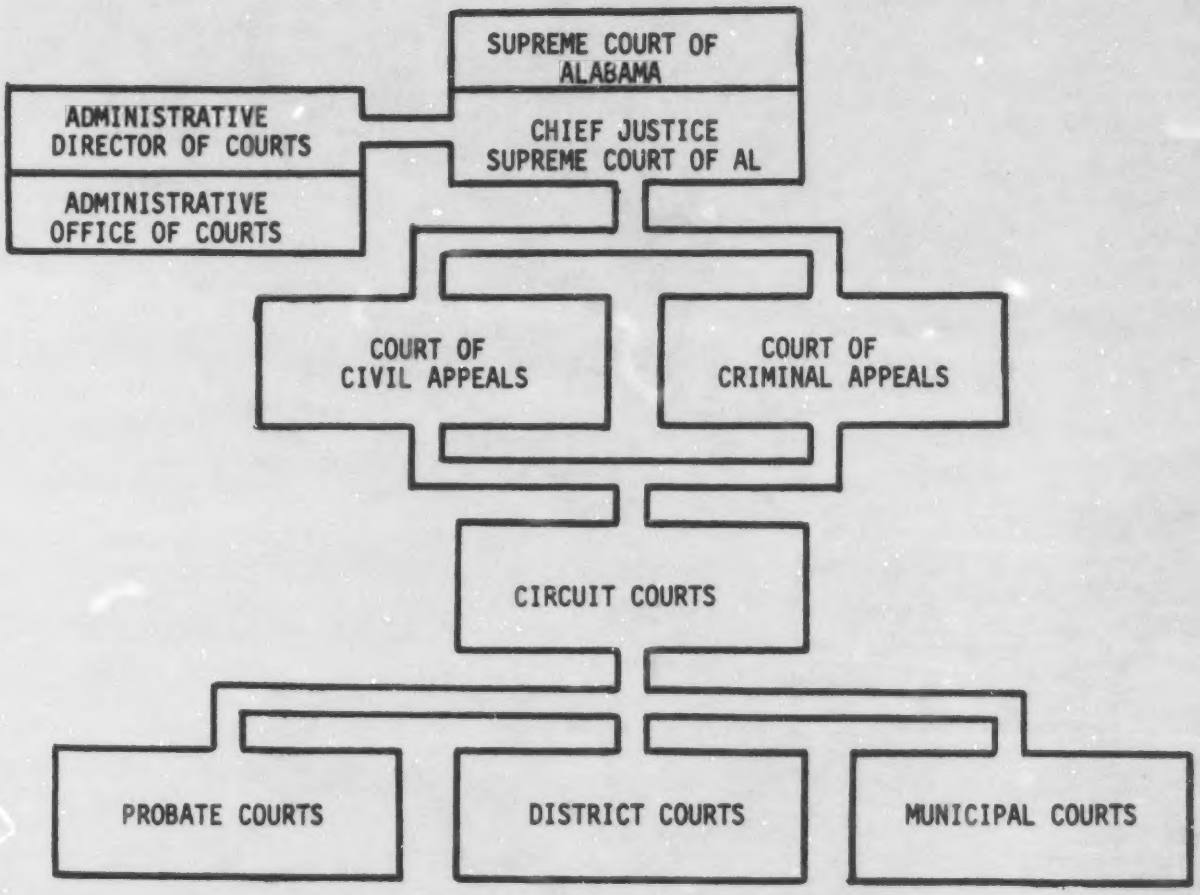
2. Make a transparency of the diagram. This is T-1.

3. Make a transparency of the statements. This is T-2. (masters for these are provided on the next pages)

4. The appearance of the transparencies can be enhanced by use of light to medium colored permanent-type felt-tip markers to color, shade, outline, etc. Of course, colored transparency is nice to use for the overlay.

5. Make sure that when T-2 is placed over T-1 each description will match the proper court.

ALABAMA COURT SYSTEM



T-1

EXPLANATION OF

Carries out administrative functions of the state trial courts.

Hears appeals from all lower courts, adopts rules for state courts. Chief Justice is the head administrative officer.

Appeals of civil cases not exceeding $10,000, administrative agency appeals, and appeals from workmen's compensation and domestic relations.

Appeals from misdemeanor cases (town and city ordinances) and felony cases.

Criminal felonies, civil cases exceeding $500, and domestic relations cases.

Handles wills, the administration of estates, and the guardianship of minors and incompetents.

Criminal misdemeanors, civil cases not exceeding $5,000, traffic offenses cited by state troopers, Small Claims.

* Concurrent jurisdiction with Circuit Court in civil cases up to $5,000.

Handles city ordinance cases, such as traffic offenses cited by city police.

The Juvenile Court may be a division of either the District or Circuit Court.

T-2

INSTRUCTIONS FOR MAKING A MOBILE

TO THE TEACHER

Mobiles provide an interesting and different mode of illustrating the path of a civil or criminal case through the Alabama Unified Judicial System to the U.S. Supreme Court.

A double mobile will illustrate the similarities and differences between the state and federal court systems and their respective jurisdictions.

MATERIALS NEEDED

Dual Court System Chart
Poster Paper (white)
Two wooden dowels
Red and blue yarn
Felt tip markers (wide tip)
Stapler/Tape
Scissors

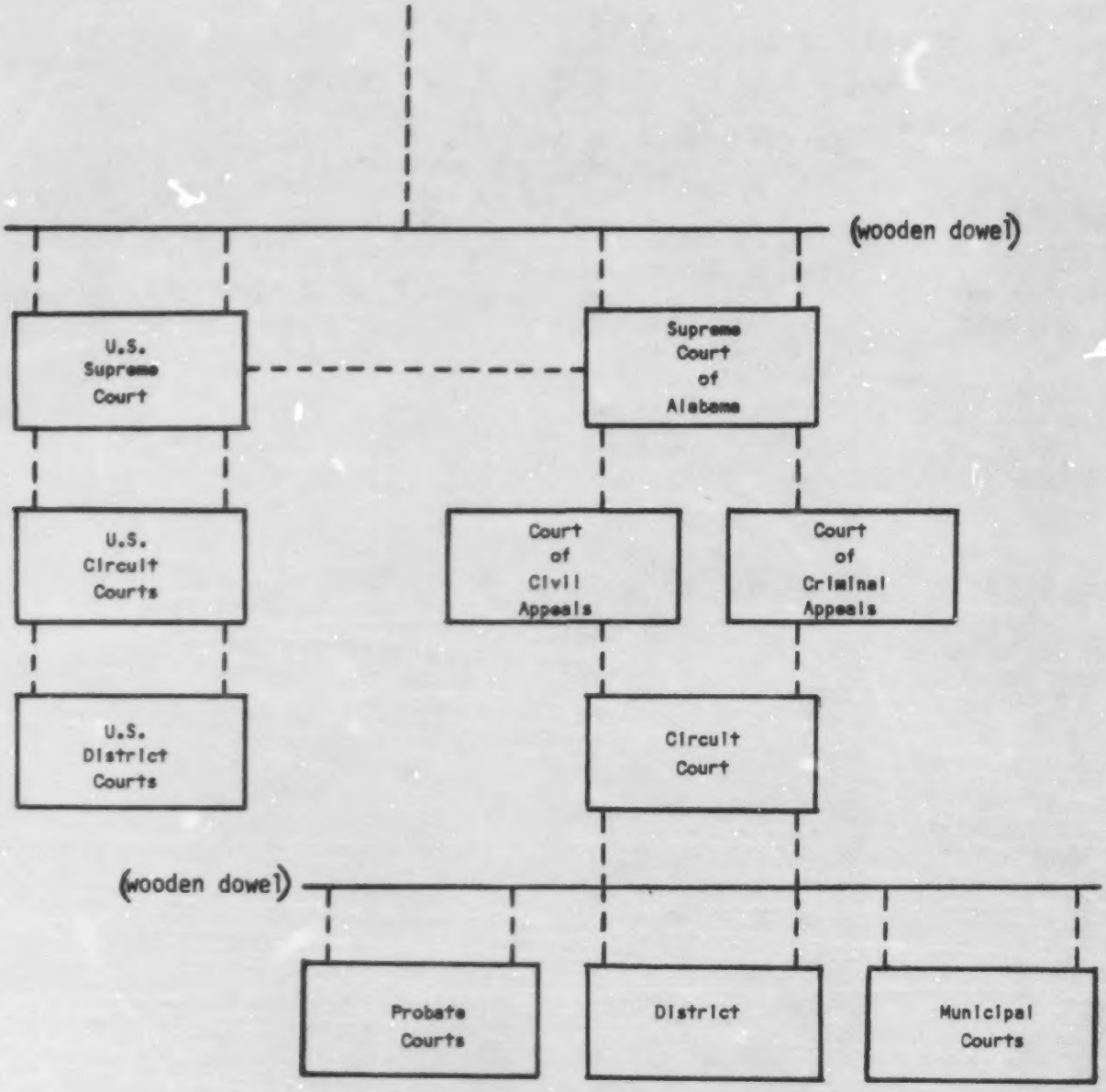
PROCEDURE

Cut poster paper into equal rectangles. You will need 10. On each rectangle, print/write U.S. Supreme Court, U.S. Circuit Court of Appeals, U.S. District Courts, Supreme Court of Alabama, Court of Civil Appeals, Court of Criminal Appeals, Circuit Courts, District Courts, Probate Courts, Municipal Courts.

Attach the yarn (with staples or tape) to the cards and tie it to the wooden dowels as shown by the sample which appears on the next page.

Use blue yarn for the Federal System and red for the State System. Make sure the yarn is about the same length between the rectangles.

DUAL COURT SYSTEM



Broken lines indicate places where yarn should be attached.

BULLETIN BOARD IDEA - DUAL COURT SYSTEM

TO THE TEACHER

The Dual Court System chart can be used as a guide for making a large bulletin board. A sample appears on the next page.

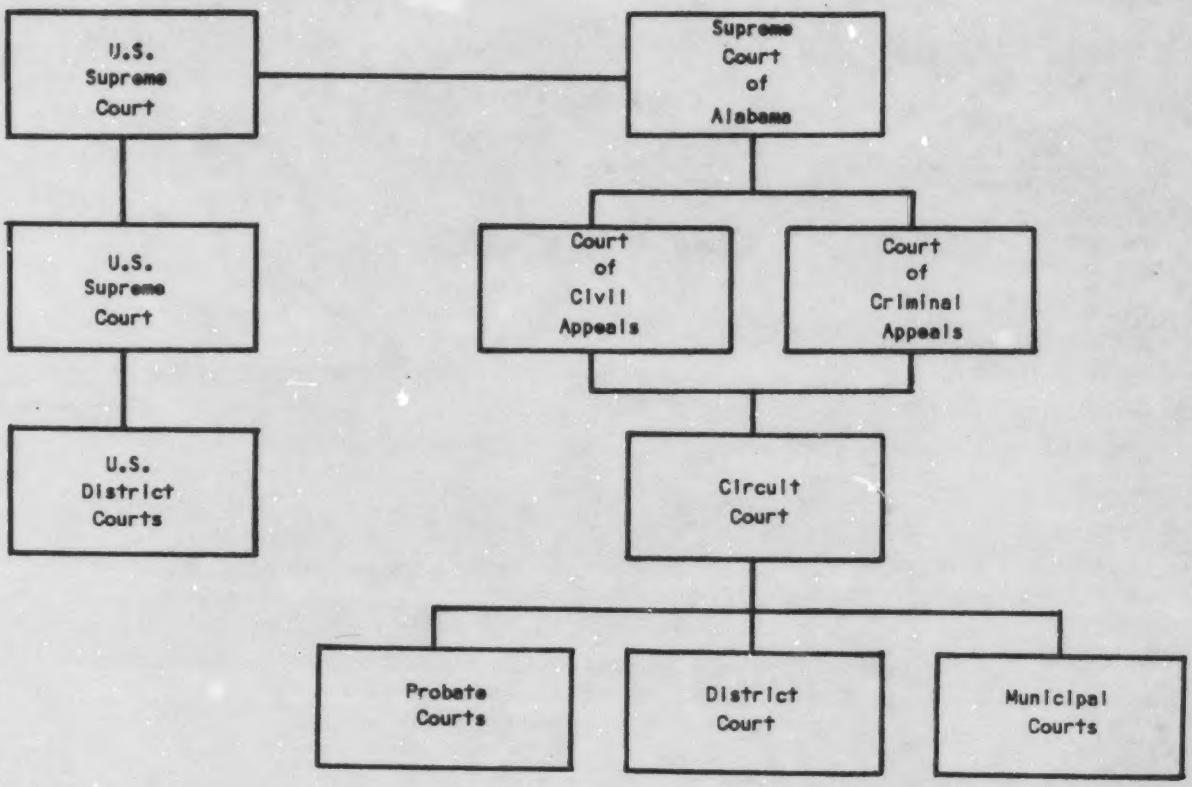
MATERIALS NEEDED

10 8½" X 11" sheets of white paper or lightweight poster board
Black construction paper
Red wide-tip markers
Blue wide-tip markers
Black wide-tip markers
Tacks, pins, or staples

PROCEDURES

- Print the name of a different court on each of the 10 sheets of white paper.
- Make a 1" red border around each state court sheet of paper.
- Make a 1" blue border around each federal court sheet of paper.
- Cut out 4" black letters for OUR COURT SYSTEM.
- Fasten all court names to the bulletin board in the configuration shown on the chart on the following page.
- "Tie" them all together by using 1" strips of black construction paper.
- Put OUR COURT SYSTEM in place above the diagram.

OUR COURT SYSTEM



WHICH COURT?

TO THE TEACHER

The following activity is designed to help students understand the jurisdiction of the different courts. After a study involving the various court jurisdictions, this activity may be used as a game or a quiz. It is ready to be reproduced. An answer key is given below.

ANSWERS

1. Municipal Court
2. Small Claims Court
3. District Court or Circuit Court — District Court and Circuit Court have concurrent jurisdiction from $500 to $5,000.
4. Probate Court
5. Circuit Court
6. Court of Criminal Appeals
7. Circuit Court
8. Court of Criminal Appeals
9. Alabama Supreme Court
10. Alabama Supreme Court
11. U.S. District Court
12. U.S. Court of Appeals
13. U.S. Supreme Court
14. U.S. Court of Claims
15. U.S. Customs Court

WHICH COURT?

Draw a line from the statement to the name of the court which would have jurisdiction.

1.	John was given a traffic ticket for driving on the wrong side of the street.	Small Claims Court
2.	Bill seeks $350 damages from Bob for destruction of the lawn mower which he had loaned to Bob.	Municipal Court
3.	Mr. J. seeks $4,500 damages incurred when his neighbor felled a tree onto his roof.	Probate Court
4.	Mrs. K. is the executor of her recently deceased brother's will.	District Court
5.	A cashier is accused of embezzling $7,800 from the firm where he worked.	Circuit Court
6.	The cashier was found guilty in circuit court. He has appealed on grounds that the evidence used was seized illegally.	Court of Civil Appeals
7.	Ronnie X allegedly "torched" a nightclub.	Court of Criminal Appeals
8.	He appealed his conviction, stating that his confession was made under duress.	Alabama Supreme Court
9.	Ronnie X and his attorney were not satisfied when the appeals court upheld the lower court decision.	U.S. District Court
10.	The Alabama Public Service Commission has an appeal.	U.S. Court of Appeals
11.	Mr. A. broke into the post office and stole a postage machine.	U.S. Customs Court
12.	Following his conviction, Mr. A. and his lawyer appealed to...	U.S. Court of Claims
13.	Ambassador Smith has been accused of subversive activity.	U.S. Supreme Court
14.	Farmer Brown claims that government-owned TVA power lines are interrupting and interferring with the normal use of his pasture.	
15.	An importer was charged twice the usual tariff on a shipment of oriental rugs.	

SECTION IV

INFORMATION AND ACTIVITIES FOR TEACHING CIVIL, CRIMINAL AND JUVENILE LAW

PART A

ACTIVITIES FOR TEACHING CIVIL LAW

IT'S YOUR WITNESS

TO THE TEACHER

The purpose of this activity is to help students understand the role of the lawyer in a trial and the way he uses questions to prove his case. One of the most difficult elements of a trial for students to understand is the questioning of witnesses.

1. Select one witness, two prosecutors, and two defense lawyers.

2. Give each a copy of the activity, "It's Your Witness."

3. Give the attorneys a copy of "Instructions to Attorneys." Allow them 10 or 15 minutes to write their questions.

4. Write the four elements of the crime on the board. (These four elements can be found in the "Statement of the Case"). Tell the rest of the class they are the jury. Tell them that the evidence elicited by the prosecutor must prove "beyond a reasonable doubt" that Mr. A killed Mr. B and that they will have to deliberate and vote after the evidence is given.

5. Proceed with the questioning.

6. Have the jury deliberate and reach a majority decision.

7. Discuss the purpose and use of questions by the lawyers in a trial.

8. Discuss the term "adversary" and tell students this is called the "adversary system."

9. Evaluate it as a means of insuring justice.

IT'S YOUR WITNESS*

Statement of Case

Mr. B, a construction worker, was killed in a diner during his lunch hour. Mr. A is accused of the killing. Mr. C was a witness. Mr. A was arrested, indicted by the grand jury, and charged. The indictment is as follows:

> On March 17, 1972, Mr. A did unlawfully, willingly, and with "malice aforethought" kill Mr. B by stabbing him with a knife.

The District Attorney, in order to convict Mr. A of murder with malice, must prove beyond a reasonable doubt:

1. that there was a killing.
2. that Mr. A did the killing.
3. that Mr. A killed Mr. B with a knife.
4. that Mr. A did the killing with "malice aforethought." This means that he did so without any legal reason and with an evil intent.

The Medical Examiner has already testified that he performed an autopsy on Mr. B who died of a stab wound which could have been caused by a knife.

Witness C can testify to the following facts:

1. He heard loud voices that caused him to look up at Mr. A and Mr. B.
2. He heard Mr. B say, "I know you have that knife, Joe" in a loud voice.
3. He saw Mr. A back away and hold up his hands saying, "No, I don't have any knife."
4. Next thing he saw was Mr. B staggering and falling back toward him. He saw blood running out of his stomach from a big gash.
5. After Mr. B fell at his feet, Mr. C looked up and saw a flash of light in Mr. A's hand.

*Reprinted from Law in the Lone Star State, written by Lanette S. Baker, Edited by B. R. Sullivan, and published by the Dallas Independent School District. Used with permission.

Continuation of facts for Witness C

6. Mr. B started toward Mr. A, then turned and ran off. He didn't know what Mr. A did after that.

7. He did not see a knife around anywhere.

INSTRUCTION TO ATTORNEYS

PROSECUTORS

You may ask Mr. C ten questions to try to prove the four elements of the crime. You may not "lead" the witness. This means you may not ask questions which suggest an answer, for example, "You did see a knife, didn't you?"

DEFENSE ATTORNEYS

Your job is to see that your client gets a fair trial. The state must prove its case "beyond a reasonable doubt." You should try to create a reasonable doubt in the minds of the jurors. You may ask ten questions in order to raise this doubt.

NO VEHICLES IN THE PARK*

A Role - Playing Simulation

TO THE TEACHER

This short simulation is designed to place every participant in the judge's position. The statute reads, "No vehicles in the park." Individual cases are presented and judges are asked to rule upon each one by determining whether the statute has been violated. Judges may issue individual verdicts or they may work in teams of 3 with one verdict per team. If all 3 judges cannot agree, the majority opinion rules. A time limit of 5-8 minutes should be allowed for a team discussion. Tell students that the verdict can range from "not guilty" to a fine on a scale of from five to fifty dollars.

PROCEDURE

Announce that each participant is a judge. Identify them as "Judge Smith, Judge Jones," etc., to emphasize their roles.

1st Case - an automobile

2nd Case - a garbage truck

3rd Case - an ambulance

4th Case - a bicycle

5th Case - a police patrol car

6th Case - a tank (mounted on a pedestal as a monument)

As each case is determined, several points of discussion should be raised.

What is a vehicle?

What is the purpose of this statute? (safety, quiet, etc.)

What is the purpose of a park and how does this statute protect that purpose?

If you were not judges, would you want to change the statute?

The case data can be copied from the next page for distribution to "judges."

*Reprinted with permission of the National Council for the Social Studies.

NO VEHICLES IN THE PARK - CASE DATA

FIRST CASE

An automobile drives through the park. It is stopped by a police officer. After checking license and registration, the officer asks the driver why she is driving through the park and if she knows about the statute prohibiting vehicles. The driver says she knew about the statute but was in a hurry to cross town and went through the park as a shortcut.

SECOND CASE

A garbage truck is stopped by a police officer for driving through the park. The driver states that he knows about the law and usually he did not drive into the park to pick up refuse. However, this day there was an unusual amount of garbage and he couldn't carry it all by hand.

THIRD CASE

An ambulance is stopped by a police officer for driving through the park. The ambulance did not have its siren operating or its lights flashing. The driver explains that an accident had occurred and the ambulance was called to pick up an old person. The person is believed to have had a heart attack.

FOURTH CASE

A group of bicycle riders for the "Fresh Air Is Fun" Club are stopped by a police officer while cycling through the park. The cyclists say they are on a day-long bicycle outing from another town and were unfamiliar with the statute. Several members of the group argue with the officer stating that the law is stupid because the paths are wide enough for riders and walkers.

FIFTH CASE

This case involves an eight-year-old girl who is riding her bicycle through the park. An officer stops her and tells her she can't ride her bicycle in the park. The little girl continues to ride it, telling the officer it's a silly rule and she doesn't care.

SIXTH CASE

A group of citizens in the community decides to place an old World War II Army tank on a pedestal in the middle of the park. The tank will be transported on a flatbed truck. Before doing so, a representative of the group calls the Police Department to ask if this is a violation of the statute about vehicles.

THE SMALL CLAIMS COURT IN ALABAMA

TO THE TEACHER

The following information on Small Claims Court is intended to introduce eighth grade students to that level of court. You may wish to copy the material and hand it out as a reading assignment, or you might want to simply explain the purpose and jurisdiction of this court to your students.

Copies of the actual forms for filing a claim and answering a charge in the Small Claims Court have been included.

Three sets of circumstances follow which can be handed out. Using the given "facts," the students can fill out the forms.

As an extended or alternate activity, you can let the students create their own stories and use that information to complete the forms.

THE SMALL CLAIMS COURT IN ALABAMA

The Small Claims Court handles civil disputes involving money or property valued at $500 or less. There are no juries in this court; the judge decides the case based on the law and what the judge sees as the real facts. Any person who is 19 years or older or any business organization may use the Small Claims Court.

The Procedures involved in Small Claims Court are simple enough so that an individual can either file a claim or defend himself without having to hire a lawyer. Of course, if a person wants to hire a lawyer, he may do so.

Before filing a complaint in the Small Claims Court, a person should try to contact the other person (or business) and solve the problem. If a reasonable solution cannot be reached, then a claim can be filed.

It is important for a person to understand the following legal terms when he files a claim:

1) Plaintiff - the person or business who files the complaint;

2) Defendant - the person or business who is being sued;

3) Statement of Claim - a form that lets the person who is making the complaint describe what he believes to be a wrongdoing;

4) Answer/Counterclaim - a form that gives the Defendant the opportunity to tell his side;

5) Party - both the Plaintiff and the Defendant are known as the parties of the case;

6) Default Judgment - when the judge decides in favor of the Plaintiff because the Defendant did not answer the claim in the set amount of time. A Default Judgment can also be given at the trial if one of the parties is not present. The judgment (decision) would be made in favor of the party who was present.

7) Pre-trial Conference - an informal meeting held before the trial date with the judge and the parties involved. This meeting is held in an effort to try and settle the case;

8) Witness - anyone who has first-hand knowledge of the case;

9) Order to Appear (Subpoena) - the form that legally makes a witness come to court to testify in a case.

There are many types of disagreements. Some examples of a small claims case are listed below:

* Someone owes money to you and will not pay;

* You worked for someone but have not received the full amount of pay agreed;

* You have paid someone to perform some work or repair something, and he has not done it;

* You have purchased something from a business but it breaks down, and the business refuses to replace it;

* Someone has carelessly damaged something you own and refuses to repair or pay for the loss or damage.

The following steps show the basic procedure in filing a Small Claims case.

1) Go to the Small Claims Court in the county where the person or business you wish to sue lives or has an office. File a Statement of Claim (complaint) with the clerk. Give the original and one copy to the clerk and keep a third copy for yourself.

2) The clerk will assign your case a number. You must use this number whenever you contact the court about your case.

3) You must pay a basic court fee of $15 at the time your case is assigned a number. Other local costs may be assessed also.

4) The clerk will send a copy of the Statement of Claim along with an Answer/Counterclaim form to the defendant. It is your responsibility to check with the clerk to make sure the defendant has been served with the forms.

5) Once the defendant has been served, he has 14 days to file his Answer/Counterclaim.

5A) If the defendant does not answer the claim in 14 days, you may go to the clerk's office to file for a Default Judgment.

5B) If the defendant does answer the claim in 14 days, you and the defendant will receive a notice telling you when your trial is set.

6) There are a number of ways that your case could be settled before it goes to trial:

6A) The defendant or his lawyer could contact you. If he does so, you should talk with him and try to come to

an agreement, which should be written down. If this happens, it is your responsibility to tell the clerk, in writing, that your case has settled.

6B) The judge could call a pre-trial conference in an attempt to reach an agreement.

7) If your case cannot be settled ahead of time, it will go to trial, you would bring all the papers and documents that would help you present your side of the story. These papers and documents would include such things as bills, receipts, contracts, letters and photographs. You may also bring witnesses. If the witnesses would need to be issued an Order to Appear (Subpoena), you would need to contact the clerk about it before the trial. The clerk would also advise you of the cost.

8) At the trial each party has an opportunity to present his side of the story by telling the judge what happened, by showing his evidence, and through his witnesses. Each party may ask questions of the other, and the judge will also ask questions. After hearing both sides and looking at the evidence, the judge will make a decision (based on the law and what he sees as the real facts). His decision is called the Judgment.

9) If you (Plaintiff) win the case, it is your responsibility to get the defendant to pay the judgment. If he refuses, you can get a court order to:

9A) have the sheriff pick up some of his property, sell it, and give you the amount of money that was awarded to you;

9B) garnish his wages. This means his employer would withhold a certain amount of his pay and give it to you. This would be done for as long as it would take until the losing party had paid you what he owed.

10) If you or the defendant disagree with the judgment (judge's decision), either of you would have 14 days to file a Notice of Appeal form with the clerk. Usually, small claims cases are appealed to Circuit Court where you have the right to ask for a trial by jury.

State of Alabama Unified Judicial System Form SM-1 Rev. 2 79	**STATEMENT OF CLAIM** **(Complaint)** **General**	Case Number SM ID ___ YR _____ Number

IN THE SMALL CLAIMS COURT OF _____ COUNTY

Plaintiff
Address

Against

Defendant
Address

Attorney
Address

Additional
Defendant

Date of
Filing _____

NOTICE TO EACH DEFENDANT — READ CAREFULLY

YOU ARE BEING SUED IN THE SMALL CLAIMS COURT BY THE PLAINTIFF(S) SHOWN ABOVE. THE JUDGE HAS NOT YET MADE ANY DECISION IN THIS CASE, AND YOU HAVE THE RIGHT TO A TRIAL TO TELL YOUR SIDE.

HOWEVER, IF YOU, OR YOUR LAWYER, FAIL TO FILL OUT THE ENCLOSED ANSWER FORM AND DELIVER OR MAIL IT TO THE CLERK AT THE ADDRESS SHOWN BELOW, SO THAT IT WILL GET TO THE CLERK'S OFFICE WITHIN FOURTEEN (14) DAYS AFTER YOU RECEIVE THESE PAPERS, A JUDGMENT CAN BE TAKEN AGAINST YOU. ONCE A JUDGMENT HAS BEEN ENTERED AGAINST YOU, YOUR PAYCHECK CAN BE GARNISHED AND/OR YOUR HOME OR PROPERTY SOLD TO SATISFY THAT JUDGMENT.

COMPLAINT

1. I claim the defendant owes the plaintiff the sum of $_____ because:

2. Plaintiff also claims from the defendant court costs in the sum of $_____ (see note below), plus $_____ for interest and $_____ for lawyers fees (**only** if plaintiff is represented by a licensed, practicing attorney and if the contract or note you signed so provides.)

NOTE: The total amount of court costs may be more than this amount when the case is finally settled. The clerk will inform you of any additional costs at the close of the case.

By: _____
Clerk

_____
Plaintiff or Attorney (Signature)

CLERK
ADDRESS:

PHONE NO. _____

PHONE NO. _____

SEE INSTRUCTIONS ON THE BACK

COURT RECORD (White) . PLAINTIFF (Green) DEFENDANT (Yellow)

INSTRUCTIONS TO THE PLAINTIFF(S)

This is your case, and if you are acting as your own lawyer, you are responsible in seeing that your claim is successfully presented at each stage of the procedure until it is concluded.

The Clerk of the Court has a handbook which tells you how to handle a Small Claims case. That book is free to you on request. If you need any additional help, ask the Clerk assigned to Small Claims cases.

1. You must complete one of these forms for each defendant you wish to sue. Each defendant must be described by his correct legal name and address (not a post office box). Be as brief as possible but include every important name, date and place.

2. To start your case you must file the completed form with the Clerk assigned to Small Claims cases. The Clerk will stamp a copy for you to show that the case has been filed and will insert the number of the case on the front of this form.

3. You are responsible for seeing that each defendant receives a copy of this form. If you haven't heard from anyone about the case in about fourteen days, then check with the Clerk's office, to make sure that each defendant has been served.

4. If any of the defendants ask for a trial, you will be notified of the place, the date, and the time. You must be present or your case will be dismissed. You may take a judgment by default fourteen (14) days after the defendant has received a copy of this form, if the defendant fails to file his Answer.

5. You are responsible to see to the enforcement of any judgment that is awarded to you. The Small Claims Handbook will tell you how to go about recovering your money.

ANY TIME YOU CONTACT THE CLERK ABOUT THIS CASE YOU MUST REFER TO THE CASE NUMBER ON THE FRONT.

SUMMONS

INSTRUCTIONS TO SHERIFF OR PROCESS SERVER

To Any Sheriff or Any Person Authorized By Rule 4.1(b)(1) or 4.1(b)(2) of the Alabama Rules of Civil Procedure to Effect Service in the State of Alabama:

You are hereby commanded to serve this summons and a copy of the Statement of Claim in this action upon the defendant named on the reverse side and make proper return to this court.

Date Received _____ _____ By: _____
Clerk

Served on the defendant(s) named _____

_____

by delivering a copy of the Summons and Statement of Claim to him in _____ County, Alabama.

Date Served _____ _____
Process Server Signature

_____

This service by Certified Mail of this Summons and Statement of Claim is initiated upon the request of _____ pursuant to Rule 4.1(c) of the Alabama Rules of Civil Procedure.

Date Requested _____ Date Mailed _____

Return Receipt Date _____ _____ By: _____
Clerk

BEST COPY AVAILABLE

State of Alabama
Unified Judicial System

Form SM-3 Rev 2/79

DEFENDANT'S ANSWER

Case Number

SM ___ ___ Number
ID YR

DATE FILED

IN THE SMALL CLAIMS COURT OF _____ COUNTY

Plaintiff: Against Defendant:

Address: Address:

Part I

DEFENDANT'S ANSWER TO THE COMPLAINT

Check One:

A. _____ I do not live in this county. I want this case transferred to my home county of _____

B. _____ I admit everything in the Statement of Claim and do not want a trial. (This means that you consent to a judgment for the amount claimed plus court costs.)

C. _____ I admit that I owe some money, but not the total amount claimed by the plaintiff(s). (Explain below)

D. _____ I deny that I am responsible at all. (Explain below)

IF YOU CHECKED "C" OR "D", BRIEFLY EXPLAIN THE REASONS FOR YOUR ANSWER.

Name of Employer	Business Phone Number
Address of Employer	Weekly Take-Home Pay This will be helpful to the Court, but you are not required to give this information.

Part II. BE SURE TO SIGN THIS FORM BEFORE MAILING.

Keep the green copy for your files.
Mail the original (white copy) to the
Small Claims Court at the address below.

_____
Defendant/Attorney (Signature)

DDRESS:

Phone No. _____

Phone No. _____

SEE INSTRUCTIONS ON THE BACK

COURT RECORD (White) DEFENDANT (Green)

BEST COPY AVAILA

INSTRUCTIONS TO EACH DEFENDANT

Answer Only

1. You MUST fill out this form AND deliver or mail a copy of it to the Clerk at the address on the front, SO IT WILL ARRIVE AT THE CLERK'S OFFICE WITHIN 14 DAYS AFTER THE STATEMENT OF CLAIM WAS DELIVERED TO YOU. You must complete this form even if you admit you are responsible for part – not all – of what the Plaintiff(s) claims.

2. If you need help completing this Answer or wish to file a Counterclaim against the plaintiff, or want more information, call or come by the Clerk's office at the address on the front. Always refer to your Case Number on the front of this form or the Statement of Claim.

3. IF YOU CHOOSE TO MAIL THIS FORM TO THE CLERK, YOU SHOULD CHECK WITH THE CLERK'S OFFICE AFTER SEVERAL DAYS TO MAKE SURE IT WAS RECEIVED ON TIME. Be sure to refer to your Case Number. This Answer must be received by the Clerk within 14 days from the date it was delivered to you.

4. BE SURE TO KEEP A COPY OF YOUR ANSWER FOR YOURSELF. After it is received by the clerk, you will be sent a Notice of the time and place of your trial if you have denied what the plaintiff claims.

SMALL CLAIMS COMPLAINT - #1

NOTICE: You may use your own name and address when filling in the information as the Plaintiff.

PLAINTIFF'S COMPLAINT

You and Mrs. Emily Cook, who lives at 124 Oak Drive, verbally agreed that you would paint her house for a fee of $150. You further agreed to complete the job before being paid. It took you the month of June to finish the paint job. At the end of the month when you asked her for your money, she refused to pay you the amount you had agreed upon. Instead, she wanted to pay you an amount that was much less. However, you don't want to accept that; you want the full amount of money you feel you are entitled to receive.

DEFENDANT'S ANSWER

You are Mrs. Emily Cook. You and the Plaintiff verbally agreed that he (she) would paint your house for a fee of $150, to be paid upon the satisfactory completion of the job. The Plaintiff advised you to purchase twelve gallons of paint so he (she) could give the house a double coat of paint. Toward the end of the month, the Plaintiff asked you to purchase five additional gallons of paint, which you did. The five extra gallons of paint cost you $55.00 However, you suspect that the Plaintiff did not use the extra paint but instead took it home with him (her). You are willing to pay the Plaintiff the agreed upon fee less the amount that the five extra gallons of paint cost.

SMALL CLAIMS COMPLAINT - #2

PLAINTIFF'S COMPLAINT

On January 18, 1981, plaintiff Bob Jones stopped at the Eat-Um-Up Donut Shop to buy a dozen donuts for his kids. Instead of parking in an assigned parking space, Bob just pulled in behind several cars and parked. He explained that he was only going to be in the shop a minute or two. While his car was parked there, Mary Lou Mims came out of the Jiffy Mart next door to the Eat-Um-Up Donut Shop, jumped into her car, and proceeded to back into Bob's parked car. The damages to the car were estimated at $300.28. Mary Lou Mims refused to pay Bob for the damages to his car, and she did not have insurance coverage either. Bob sued Mary Lou in Small Claims Court.

DEFENDANT'S ANSWER

Mary Lou Mims refused to pay Bob Jones for the damages to his car explaining that when she got into her car, she carefully looked in the rear view mirror to see if anyone was driving into the parking area before she backed out. She contends that she did not see any cars when she put her car in reverse, and that Bob pulled in behind her, hurriedly parked, and went into the donut shop. When she looked up again, it was too late; she had hit his car. She admits she hit the car but does not owe him any money for damages to the car because he should not have parked behind her car. He should have used one of several empty parking spaces. It was just as much his fault as hers.

SMALL CLAIMS COMPLAINT - #3

PLAINTIFF'S COMPLAINT

Cecil Jackson has lived at 1442 Elm Street for almost 25 years. He has been retired for the last five and has spent a great deal of time and money landscaping his yard. Two months ago, a young woman named Sarah Miller moved into the house next door (1440 Elm). One Saturday morning she got up bright and early and cut down the hedge that divided "old man Jackson's" yard from hers. Jackson was furious when he discovered what she had done. He told her the hedge had been on this property for many years and that she would have to replace it. The cost for replacing it would be $432.19. She refused. Old man Jackson sued Sarah Miller in Small Claims Court.

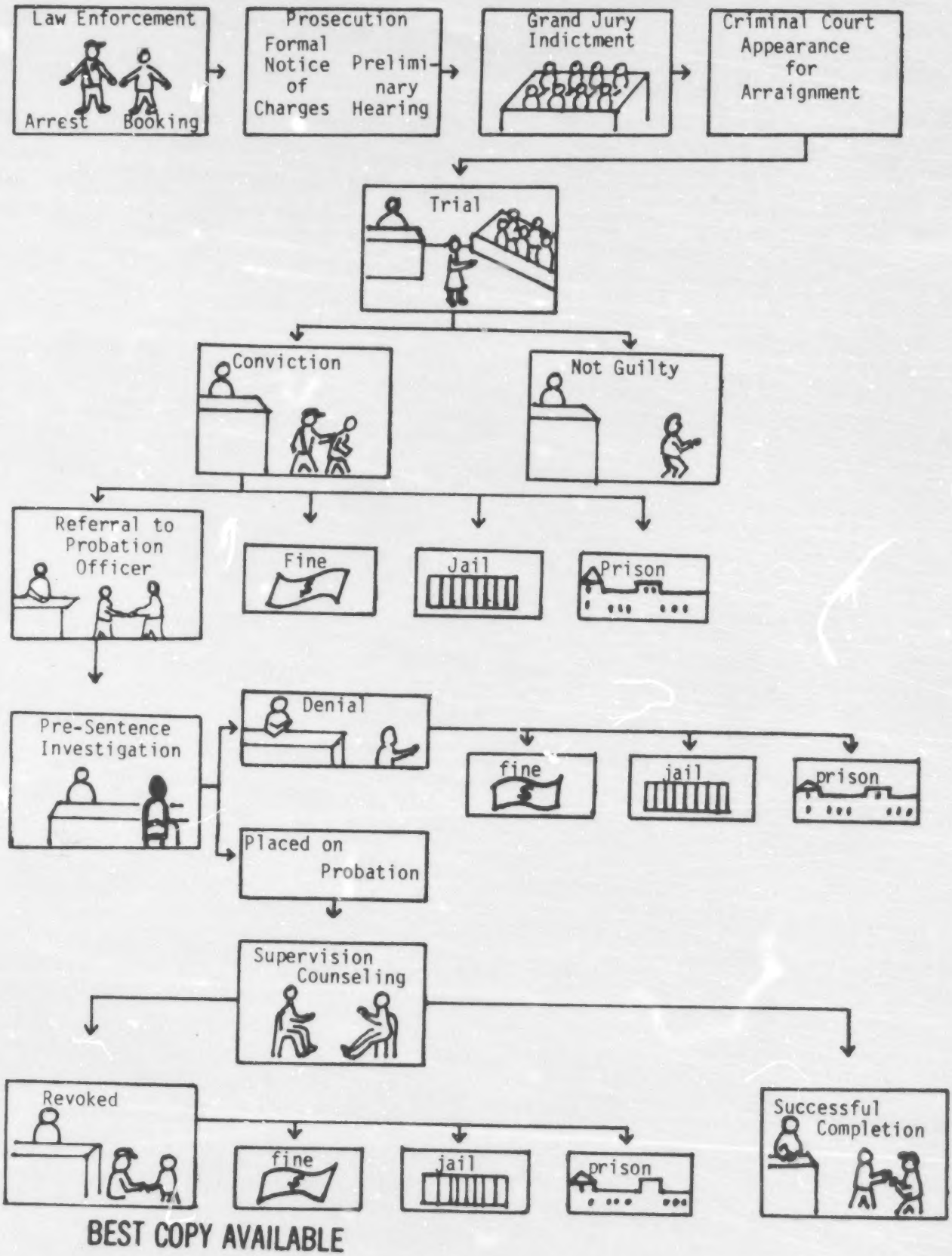
DEFENDANT'S ANSWER

Sarah Miller contends that every day during the two months she has lived in the new house her very life has been in danger due to the hedge! The hedge was approximately 8 feet tall, blocking her view of the street when she backed out of the driveway. She had asked Mr. Jackson to trim the hedge, but he would not give her a yes or no answer. He was not very friendly to Sarah. Sarah feels safe when she backs out of the driveway now. And furthermore, Sarah thinks the hedge was ugly. Sarah feels she has done her neighbor a favor by cutting down the hedge because she has beautified the neighborhood.

PART B

ACTIVITIES FOR TEACHING CRIMINAL LAW

CRIMINAL COURT PROCESS



BEST COPY AVAILABLE

MOCK TRIAL PROCEDURES

TO THE TEACHER

This mock trial procedure has been designed for classroom use. A study of procedures and the presentation of one or more of the following trials (for which scripts have been provided) should prepare you and your students to hold mock trials based on other cases suggested elsewhere in this manual. Perhaps you will soon be ready to construct your own cases and trials from "scratch."

ROLES TO BE ASSIGNED

a. Bailiff

b. State's Attorney (for criminal cases)
   Plaintiff's lawyer (in civil cases)

c. Defense attorney (for civil or criminal cases)

d. Defendant

e. Plaintiff (in civil cases)

f. Witnesses for State (in criminal cases)
   Witnesses for plaintiff (in civil cases)

g. Witnesses for defense (for criminal or civil cases)

h. 12 jurors

i. Judge

j. Court Reporter

k. Clerk of Court

SEQUENCE OF THE TRIAL

The following is the order for civil and criminal trials.

1. Opening of the court by the bailiff.

2. Seating and swearing in of the jury by the bailiff.

3. Opening statements to the jury by the attorneys (five minute maximum for each attorney).
   a. State's or plaintiff's attorney
   b. Defense attorney

4. Direct examination and cross examination of State or plaintiff witnesses. (State's or plaintiff's attorney first, then the defense attorney cross-examines.)

5. Direct examination and cross-examination of defense witnesses. (Defense attorney questions first, then State's or plaintiff's attorney cross-examines.)

6. Closing arguments to the jury. (Defense attorney first, then State's or plaintiff's attorney, five minute maximum for each attorney.)

7. Instructions to the jury by the judge.

8. Deliberations of the jury.

9. Verdict delivered by the foreman of the jury.

CLERK OF THE COURT

1. Assist the teacher in the direction of the trial.

2. Check before the trial to see that the courtroom has been set properly.

3. Bring a watch to the trial and assist in enforcing time limits.

4. If requested by the teacher, make notes of the performance of trial counsel.

5. Immediately after the trial is over, see to it that the classroom is returned to order. Return all papers, gavels, etc.

BAILIFF

1. Bring the Court to order by reading the official Opening of the Court, as follows:

   Bailiff: The Court of (city, state) is now open and in session, the Honorable Judge_____ presiding. All persons having business before the court come to order!

   Case of the (title of case)

   Is the State ready? (let State's Attorney answer)

   Is the defendant ready? (let Defense Attorney answer)

   Your Honor, may the jury be brought in? (let the Judge answer)

2. The bailiff fills the jury box with the students who have been assigned roles as jurors. Then, the jurors are sworn in as follows:

Bailiff: The jurors will rise, raise their right hands and be sworn. Do you solemnly swear (or affirm) that you will well and truly try the issues now to be given you? That you will speak nothing to anyone of the business or matters you have in hand, but among yourselves; nor will you suffer anyone to speak to you about the same but in Court; and when you are agreed upon any verdict, you will keep it secret until you deliver it up in Court? Do you all so swear (or affirm)?
(let the jurors say "I do")

3. After the jury is sworn, the Defense Attorney and State's Attorney (Plaintiff's) will make short presentations. Then the witnesses will testify. Before each witness takes the witness stand to answer questions for the first time, you should swear him in. Ask the witness to put his left hand on the Bible, raise his right hand and answer the question "Do you swear (or affirm) to tell the whole truth and nothing but the truth in this case, under penalty of perjury, so help you God?" When the witness answers "I do," you should tell him to sit down.

4. After all the witnesses have appeared and testified for both the State and the Defense, the bailiff will rise and announce, "The Court will now charge the jury. No one will be allowed to leave or to enter the room during the charge."

STATE'S (PLAINTIFF'S) ATTORNEY

As State's Attorney, your job is to present the evidence against the defendant. Your job consists of four main parts:

1. Opening Statement to the Jury - Immediately after the jury has been seated and sworn in, you will have a chance to make a five minute summary of what you think the evidence in the case will show. This should include a very brief summary of the facts and a sentence or two summarizing what each of your witnesses will say.

2. Direct Examination - After the Defense Attorney has had a chance to make his opening statement, you will begin with a direct examination of your witnesses. This means that each of your witnesses will be sworn in, one at a time, and you will have a chance to ask them questions. Each question you ask them should give them a chance to tell a fact about the case. You should have a good idea what they will answer to each question and you should ask questions that will produce answers that can be useful to your case.

   The Defense Attorney will have a chance to "cross-examine" your witnesses - that is, to ask your witnesses questions after you have finished with them.

3. Cross-Examination - When all of your witnesses have been questioned by both you and the defense attorney, the defense attorney will have an opportunity to present his witnesses. He will begin by asking them questions, and then you will have a right to "cross-examine" them. The purpose of cross-examining witnesses is to get additional explanations of some of their earlier answers. For example, if the witness only told half of what happened when the defense attorney questioned him, you may want to question him about the other half.

4. Closing Argument - After the defense attorney has presented all his witnesses and you have had a chance to ask him questions, it will be time for "closing argument." Your argument will come last after that of the defense attorney. You will have five minutes for a closing argument. In this part of the trial you should try to summarize all the points which the witnesses made which help your case. Do not go over everything--you won't have time. Try to point out the most important things. The final argument will mark the end of your job.

DEFENSE ATTORNEY

As defense attorney your main job is to show that the state's attorney does not have enough evidence to convict your defendant because it cannot be depended upon or because it doesn't make sense, or because some of the witnesses disagree with each other. Your job consists of four main parts:

1. Opening Statement to the Jury - After the state's attorney has made his opening statement, you will have five minutes to summarize what you think the evidence in the case will show. You should try to emphasize that you think there are disagreements between the witnesses or that there simply isn't enough evidence to prove that the defendant committed the crime.

2. Cross-Examination - The state's attorney will have the first opportunity to question his witnesses. At the end of his questioning of each witness, you will have a chance to ask that witness questions. Listen carefully to what the witness says. See if you can't find something that he said that you think doesn't make sense, and ask him about it. The purpose of cross-examining witnesses is to find out if some answers they gave to questions asked by the state's attorney need additional explanation. For example, if the witness only told half of what happened, you might want to ask him to explain the rest.

3. Direct Examination - When the state's attorney has finished presenting all his witnesses you will have a chance to present your witnesses. This is called the "direct examination." Your job here is to ask the witnesses questions that will let them tell their story. After you have questioned each witness, the state's attorney will have a chance to cross-examine.

4. Closing Argument - When you have completed your questioning of the witnesses and the state's attorney has finished cross-examining, each attorney will have a chance to make a closing argument. You make your argument first. You have five minutes. You should try to summarize the main points that your witnesses brought out that show that the defendant did not commit the crime. You might emphasize any disagreements between witnesses or anything in the stories of the witnesses that shows that your defendant did not commit the crime. Don't try to go over everything that happened at the trial, only the most important points.

WITNESSES

As a witness your job is to tell the members of the jury what you believe happened according to what you actually saw and heard. In the following sample case, we have given every witness a script so that everyone will talk about the same event. If this were a real case, scripts (even notes) would usually not be allowed for most witnesses.

You will find that both the state's attorney and the defense attorney will be asking you questions. If you are a witness for the State, the state's attorney will start; if you are a witness for the defense, the defense attorney will begin the questions. After the first lawyer has had a chance, the other will be able to ask you questions. Try to stay as close as you can to the script you have been given when answering the questions. Don't add extra facts, even if you think it will help, because you will confuse the lawyers and the other witnesses.

JUDGE

Your job as judge in this trial is to make sure that the procedure of a trial is followed so that both sides have a chance to present their cases. One of your main jobs is to give instructions to the jury after the closing arguments have been made. You will be given a script for the instructions. The purpose of giving instructions to the jury is to tell the jurors what the law is. They are supposed to be guided by the law in making their decision in this case, and you have to help them find out what the law is.

After the jury has made its decision, you should ask the foreman to rise and tell the class what the verdict is. Once the verdict has been announced, you can tell the class that the trial is over.

JURY

The jury in this case is going to work a little differently from the way a jury works in a real case. The difference is that you will come to your decision in front of the whole class. In a real trial, it would be done secretly, but here we want the whole class to see how a decision is made.

While the witnesses are being questioned and giving their answers, you should pay close attention to what is said. Be careful to see whether the witness's story makes sense. Try to remember how the story of one witness compares with the story of another witness. If they don't seem to fit together--or if one of the witnesses seems to be making a mistake, you should try to remember that.

Listen to the closing argument of the defense attorney and of the state's attorney. Then, the judge will give you instructions. The instructions will tell you what the law is for this case.

After you have heard the judge's instructions, you should start your deliberations--that is, your decision in this case. You might take a vote at the beginning to see what each member of the jury thinks about the case. Then you can begin to talk about the witnesses. Each member of the jury can tell in one or two sentences what he thinks about the witnesses' evidence. Which witnesses did you believe? Which ones did you not believe? Why?

Here, the teacher might ask you a few questions to help you reach a decision. Take another vote. After three votes, you should have come to a final decision. In real cases, the vote would have to be unanimous 12-0, for guilty or for not guilty verdicts. But in this case, if you can't get a unanimous verdict, then the majority will rule.

FOREMAN

Your job is to conduct the votes. After the third vote you should tell the jury that the decision is made, and you should indicate to the judge that the jury is ready to give its verdict. When the judge asks for the verdict, you should rise and tell him the answer.

THE PEOPLE OF THE STATE OF TEXAS v. HARRY WILLS*

(A Mock Trial)

THE CAST

(In order of appearances)

The Bailiff	_____
The Judge	_____
State's Attorney	Mr. Town
Defense Attorney	Mr. Gallagher
Witness #1 for the State	Samuel Smith
Witness #2 for the State	Ronald White
Witness #3 for the State	Sheriff Johnson
Witness #4 for the State	John Williams
Witness #1 for the Defense	Martha Winters
Witness #2 for the Defense	Harry Wills
Court Reporter (optional)	_____
12 Jurors	_____

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FACTS

John Williams lived with his wife, Sarah, and their two sons, Jack and Jim, on a small ranch. The ranch was about 15 miles from the town of Pontiac. Pontiac was a small cattle town in Texas. About 100 people lived in Pontiac in 1878.

Williams called his ranch the "Bar W" and all his stock (horses and cattle) were branded W. Branding was the way each rancher marked his stock. Each rancher had his own brand. That way anyone could tell his stock from cattle and horses belonging to other ranchers.

The Williamses were not rich, but they lived a happy life. Everyone in the Williams' family worked on the ranch. Each had his job to do. Every morning the family got up at 5 a.m., Jack and Jim helped their father until it was time to go to school. After school they came home and helped their father with the work around the ranch.

Jack and Jim each had a horse which they rode back and forth to school each day. Jack's horse was named "Maud." It was a black horse with a white mark on its left leg. Jim's horse was named "Winnie." It was a brown horse. Mr. Williams had his own horse, called "Sam." The Williamses needed each horse. The horses were the only means of transportation. Mr. Williams used his horse to ride on the range and tend his cattle. He also used the horses to pull his wagon. The horse-drawn wagon was the only way in which Mr. Williams could carry his supplies to and from town. Because horses were needed for ranch life in 1878, they cost a lot. If Mr. Williams lost one of his horses, he would have to save for a very long time (maybe a year) before he could buy another one. If Mr. Williams lost more than one horse, he would not be able to run his ranch and support his family.

The importance of the horses bothered Mr. Williams because one of his horses was very old. Williams was afraid that it would soon die and he did not have the money to buy another one.

One night, August 1, 1878, at about 3 o'clock in the morning, Jim woke up. He heard a noise. He got dressed and went outside. The horses were kept in a corral, and were making a lot of noise. "Maud" was missing. He noticed that there were footprints all around the corral. Jim got very excited. He went into the house to get his father. Mr. Williams was very upset about the loss of his horse. He pointed out to Jim that the footprints around the corral were strange.

Whoever had been there walked "pigeon-toed." None of the Williams' family walked "pigeon-toed."

That same morning, Mr. Williams went into town to report the matter to the Sheriff. Sheriff Johnson came out to the ranch. He also looked at the footprints. Sheriff Johnson said he would do what he could.

Several days later, Sheriff Johnson arrested Harry Wills, who was known as "Black-bearded Harry." The Sheriff believed that Harry had stolen the horse.

On August 15, a trial was held. Mr. Charles Town was the State's Attorney, and Mr. Robert Gallagher was the attorney for Harry Wills.

SEQUENCE OF THE TRIAL

Bailiff: The Court of Pontiac, Texas, is now open and in session, the Honorable Judge _____ presiding. All persons having business before the court come to order.
Case of the PEOPLE OF THE STATE OF TEXAS v. HARRY WILLS

It is now time to swear in the jury. The jury will rise, raise your right hands and be sworn. Do you solemnly swear that you will well and truly try the issues now to be given to you; that you will speak nothing to anyone of the business or matters you have in hand, but among yourselves; nor will you suffer anyone to speak to you about the same but in court; and when you are agreed upon any verdict, you will keep it secret until you deliver it up in court? Do you all so swear?

Jury: I do.

Judge: Mr. Town, do you have an opening statement?

Town: Yes, your Honor. (addressing the jury)
Ladies and Gentlemen, the State will show that on the morning of August 1, 1878, the defendant, Harry Wills, stole a black horse, named Maud, from Mr. John Williams. Later, Wills tried to sell this horse to Mr. Smith. When Mr. Smith refused to buy the horse, Wills then took the horse to Mr. White, a rancher. He then sold this horse to White. We know that after you listen to all the witnesses you will be convinced that Wills is guilty. Thank you.

Judge: Mr. Gallagher, do you have an opening statement?

Gallagher: Yes, your Honor. (addressing the jury)
Ladies and Gentlemen, we believe that you should find Wills not guilty. No one saw Wills steal the horse. No one saw him do anything bad. The evidence is all circumstantial. Listen to the witnesses carefully--if you do, we are sure that you will find Wills not guilty.

Bailiff: First witness shall take the stand. (The bailiff should swear in each witness.) Do you swear to tell the whole truth and nothing but the truth in this case under penalty of perjury, so help you God?

Witness: I do.

Witness #1 for the State - Samuel Smith

Town: What is your name, sir?

Smith: Samuel Smith.

Town: What do you do for a living? Where do you live?

Smith: I live in Pontiac, and I run the general store.

Town: Have you ever met Harry Wills?

Smith: Yes, on August 2nd.

Town: How did you happen to meet him?

Smith: He came into my store at about 7 a.m. He walked in just a few minutes after I opened up for the day. He was the first man I saw that day.

Town: What did he want? Did he buy anything from you?

Smith: No. He wanted to know if I was interested in buying a horse.

Town: What happened next?

Smith: I told Harry that I wasn't interested, but I would look at the horse. I figured if I could get it for a good price, I'd buy it.

Town: Did you look at the horse?

Smith: Yes, I did.

Town: Describe the horse.

Smith: It was pure black and it had a white mark on its left leg.

Town: Did you notice a brand? What did it look like?

Smith: The brand was the "Box W."

Town: Did the brand look fresh?

Smith: Yes. The sides of the box looked fresh, but I didn't really look closely. I cannot be sure.

Town: Did you buy the horse?

Smith: No.

Town: Why didn't you buy the horse?

Smith: Well, I had never met Harry before. He doesn't live in Pontiac. I'm always suspicious of anyone who doesn't live in Pontiac. In addition, he didn't have a bill-of-sale for the horse.

Town: Thank you. No further questions.

CROSS-EXAMINATION

Gallagher: Mr. Smith, are you a rancher?

Smith: No.

Gallagher: Then how would you know what a fresh brand looks like?

Smith: Well, I said I wasn't sure.

Gallagher: Mr. Smith, had you ever seen Mr. Williams' horse, Maud?

Smith: Yes, many times. Jack Williams rides it to school every day.

Gallagher: Was Maud the horse that Wills tried to sell you? Do you know for sure whether the horse was Maud or not?

Smith: I can't be sure. When I looked at the horse on August 2nd, I didn't think it was Maud, but the more I began to think about it--the more I thought it might have been Maud.

Gallagher: Why are you suspicious of strangers? Are you suspicious of all strangers or just Mr. Wills?

Smith: I don't know--I guess I don't really trust any strangers.

Gallagher: Thank you. No further questions.

WITNESS #2 for the State - Ronald White

Town: What is your name, sir?

White: My name is Ronald White.

Town: What do you do for a living and where do you live?

White: I have a cattle ranch about forty miles west of the town of Pontiac.

Town: Have you ever met Mr. Harry Wills?

White: Yes. August 2, 1878.

Town: How did you meet Mr. Wills?

White: He rode onto my ranch that morning. He came right up to the ranch house.

Town: What did he want?

White: He was riding one horse and pulling another behind him. He wanted to sell me the second horse.

Town: Can you describe the horse?

White: Yes. It was pure black with a white mark on its left leg.

Town: Did you buy the horse?

White: Yes.

Town: What was the brand on the horse?

White: It was the "Box W."

Town: Did Wills explain the brand?

White: Wills said that he had a ranch--called the "Box W."

Town: How much did you pay for the horse? Where is the horse now?

White: I paid $50.00 The horse was stolen from me two days after I bought it.

Town: Thank you. No further questions.

CROSS-EXAMINATION

Gallagher: Mr. White, do you know Mr. Williams?

White: No.

Gallagher: At any time before August 1st, had you ever seen Mr. Williams' horse, Maud?

White: No.

Gallagher: Then, you do not know whether the horse Mr. Wills sold you was Maud?

White: No.

Gallagher: Do you know who stole the horse from you? Do you know whether Mr. Wills stole the horse from you?

White: I don't know who stole the horse from me.

Gallagher: Thank you. No further questions.

WITNESS #3 for the State - Sheriff Johnson

Town: What is your name, sir?

Johnson: Richard Johnson.

Town: What do you do for a living? Where do you live?

Johnson: I am the sheriff in Pontiac, Texas. I live in Pontiac, too.

Town: Did Mr. Williams report to you that a horse, named Maud, had been stolen from him?

Johnson: Yes.

Town: What did you do?

Johnson: Well, I went out to the Williams' ranch to investigate. I got a description of the horse from Mr. Williams. I looked around the corral. The footprints were of someone who walked "pigeon-toed."

Town: What did you do next?

Johnson: I went back to Pontiac and started asking questions. I found out that this fellow, called "Black-bearded Harry," had tried to sell a horse to Smith. I then asked more questions about Wills and found out that he had left town--heading west. I left town and went west to find Wills. I was suspicious. I just had a feeling that anyone with a name like "Black-bearded Harry" had to be the one I wanted.

Town: What else?

Johnson: When I got to the White ranch, I found that Wills had sold Mr. White a horse, and that the same horse had been stolen. White said that Wills had gone west from his ranch--so I followed. Several days later, I ran across Wills. He was making a camp.

Town: Did he have Maud?

Johnson: No, but he did have over $100.00 in his pocket. I figured that he got $50.00 from Mr. White for the horse, then Wills stole the horse again and sold the horse to somebody else for $50.00

Town: Was there anything else which led you to believe that Wills was the thief?

Johnson: Yes, Wills walks "pigeon-toed."

Town: What did you do next?

Johnson: I arrested Wills and brought him back to Pontiac for trial.

Town: Did Wills confess to the stealing of Maud?

Johnson: No, he didn't. Wills did, however, say that he had no ranch called the "Box W." In fact, he said he didn't have a ranch at all.

Town: Did you ask Wills about the brand? Did you ask him about the horse he sold to White?

Johnson: Yes. He said that he bought the horse from a trader, and that he always branded his horses "Box W" so as to identify them if anyone attempted to steal them from him.

Town: Did you ask Wills about the $100.00?

Johnson: Wills said he got $50.00 from White. The rest of the money he said he earned as a "cow hand."

Town: No further questions. Thank you.

CROSS-EXAMINATION

Gallagher: Sheriff, did you see Wills steal the horse?

Johnson: No.

Gallagher: Do you know where Wills got the $100.00?

Johnson: No. I just guessed.

Gallagher: Did you ever see Maud in Wills' possession?

Johnson: No.

Gallagher: All you really know is that Wills walks "pigeon-toed" --right?

Johnson: Well, I guess so--but he looks suspicious. Wills is not from Pontiac, and I don't like strangers in town. What else would he be doing in Pontiac, except causing trouble? Why else would he come into our town, except to steal?

Gallagher: Doesn't a man have a right to travel where he wants? Doesn't Mr. Wills have a right to come into your town, or any town, if he wants?

Johnson: I'm not so sure.

Gallagher: Thank you. No further questions.

WITNESS #4 for the State - John Williams

Town: What is your name, Sir?

Williams: John Williams.

Town: Where do you live? What do you do for a living?

Williams: I own a small cattle ranch about 15 miles from Pontiac.

Town: Mr. Williams, can you tell us what happened on the morning of August 1st?

Williams: Yes. My son woke me up about 3 a.m. to tell me that one of our horses had been stolen.

Town: What did you do then?

Williams: I got up and went outside.

Town: What did you find?

Williams: I found that one of the horses, Maud, had been stolen from the corral.

Town: How did you know the horse had been stolen? Couldn't the horse have wandered away?

Williams: I don't think so. The corral gate was locked, and all the other horses were still there.

Town: Could the horse have jumped the fence?

Williams: It is possible, but the horse is 10 years old--that's pretty old for a horse. I'm not sure it had the strength. Besides, I've never had trouble with it before this time.

Town: Did you see anything else in the corral?

Williams: I did notice a lot of footprints around the corral.

Town: Was there anything special about these footprints?

Williams: Yes, they were the prints of a man who walks "pigeon-toed."

Town: Thank you.

CROSS-EXAMINATION

Gallagher: Mr. Williams, did you see Mr. Wills steal Maud?

Williams: No.

Gallagher: If anyone stole Maud - why didn't they take the rest of the horses in the corral?

Williams: I felt that my boy must have scared the thief off when he came outside.

Gallagher: Is Maud the only horse in the world that is pure black with a white mark on its left leg? Are there other horses that are marked like that?

Williams: I've never seen another marked like Maud.

Gallagher: Could other horses look like Maud?

Williams: Well, I'm not sure.

Gallagher: In all this country, Maud is the only horse that was so marked? No other horse could possibly look the same?

Williams: I guess another might look the same--but I've never seen another.

Gallagher: How many men do you know who walk "pigeon-toed"?

Williams: A couple.

Gallagher: Then, Mr. Wills is not the only man in the world who walk "pigeon-toed"?

Williams: I guess not--but there aren't too many you know. Most people don't walk that way--it's sort of funny, unusual.

Gallagher: Is it any more unusual than being left-handed?

Williams: Well, that's sort of unusual, too.

Gallagher: No further questions. Thank you.

WITNESS #1 for the Defense - Martha Winters

Gallagher: What is your name?

Martha: Martha Winters.

Gallagher: Where do you live? What do you do for a living?

Martha: I live in Tower, Texas - about 50 miles west of Pontiac. My husband and I run a stable.

Gallagher: What is your relationship to Harry Wills?

Martha: I am his sister.

Gallagher: What does Harry do for a living?

Martha: He is a very restless fellow. Sometimes he works for us at the stable. The rest of the time he works as a "cow hand." He doesn't stay in one place for very long.

Gallagher: Has Harry ever been in trouble? Have you ever known him to be in trouble--with the law?

Martha: No. He stays to himself. He likes his independence. He minds his own business. He is a very quiet, mild-mannered man.

Gallagher: Have you ever known him to steal anything?

Martha: No. Never. He works hard--when he works--and takes care of himself.

Gallagher: Are you familiar with the brand--the Box W?

Martha: Yes. That is the brand that Harry always puts on his horses.

Gallagher: How long has he been doing that?

Martha: Oh...as long as I can remember.

Gallagher: During the month of July, this year, was Harry working at your stable?

Martha: Yes. Around the 20th of the month--he left.

Gallagher: Does Harry ever buy and sell horses?

Martha: Yes, in fact, a few days before he left Tower, he bought a black horse.

Gallagher: What happened next?

Martha: Well, he bought the horse from a trader. He paid about $25.00 for it. He branded it with the "Box W." Then, he left town. He said he was going to try and sell it.

Gallagher: Did he leave town with the horse?

Martha: Yes.

Gallagher: Did this black horse have a white mark on its left leg?

Martha: I don't remember. All I know is the horse was black.

Gallagher: Thank you. No further questions.

CROSS-EXAMINATION

Town: Is your brother married?

Martha: No.

Town: Does he have a steady job?

Martha: No.

Town: Then--he is not really a very responsible citizen?

Martha: He is responsible for himself. He takes care of himself. He provides for himself--nobody has to take care of him.

Town: When Harry left you town, Tower, which way did he go?

Martha: I don't remember. I didn't watch him leave town.

Town: Thank you.

WITNESS #2 for the Defense - Harry Wills

Gallagher: What is your name?

Wills: Harry Wills.

Gallagher: What do you do for a living? Where do you live?

Wills: I do lots of different things. Sometimes I work in my sister's stable--sometimes I work as a "cow hand." Sometimes, I buy and sell horses.

Gallagher: Did you steal Mr. Williams' horse, Maud?

Wills: No.

Gallagher: Did you try and sell a horse to Mr. Smith?

Wills: Yes.

Gallagher: Where did you get that horse?

Wills: I bought him from a trader in Tower.

Gallagher: Did you steal the horse back from Mr. White?

Wills: No.

Gallagher: Why do they call you "Black-bearded Harry"?

Wills: Because my hair is black--and I have a heavy beard.

Gallagher: Thank you.

CROSS-EXAMINATION

Town: Mr. Wills, are you sure you did not steal the horse?

Wills: I'm sure.

Town: If you bought a horse in Tower, how is it that you wandered all the way to Pontiac?

Wills: I couldn't find anyone between Tower and Pontiac who wanted to buy the horse.

Town: How is it that you don't hold down a permanent job?

Wills: I like to be independent--that's all.

Town: No further questions.

Judge: Mr. Town, do you have a closing statement?

Town: Yes, your Honor. (addressing the jury) Ladies and Gentlemen, the facts are quite clear. Wills stole the horse, Maud, on the morning of August 2nd. He then sold the horse to Mr. White. Mr. Wills is a suspicious individual--a stranger to Pontiac. We know you will find him guilty.

Judge: Mr. Gallagher, do you have a closing statement?

Gallagher: Yes, your Honor. (addressing the jury) Ladies and Gentlemen, nothing has been shown that Wills committed the crime of stealing the horse. No one saw him do it. Mr. Wills is an independent man, who takes care of himself. He is not a horse thief. Thank you.

Judge: Ladies and Gentlemen of the Jury. The defendent in this case is charged with a criminal offense. In this state, a person is presumed innocent until he is proven guilty beyond a reasonable doubt. In order to be proved guilty, the State must convince you that the defendant committed the crime. If you have any doubt in your mind that Wills committed the crime--then you must find him not guilty. The defendants do not have to disprove or prove anything.

Ladies and Gentlemen, retire and consider your verdict.

THE PEOPLE OF ALABAMA v. BILLY JOE FATAL*

TO THE TEACHER

The following script is a Mock Trial in which the defendant, "Billy Joe Fatal" is accused of Murder. Participants in the trial include the following:

Judge, Prosecuting Attorney, Defense Attorney, Court Bailiff (optional), Twelve (12) Jurors, and Witnesses as provided herein.

Included in the script is a copy of the indictment brought by the Grand Jury, witness testimony, and abbreviated Jury Charges used by the Judge. The only prop needed is the murder weapon, a .22 caliber pistol.

Briefly, the trial should be conducted as follows:

STRIKING OF THE JURY

Approximately 24 students should serve on the jury or venire (group of prospective jurors from which the jury will be chosen). The Judge and Attorneys in turn will voir dire (question) the venire to determine the jurors' biases and prejudices. After voir dire, the Attorneys will strike the jury. A numbered list of the jury or venire should be provided to the Judge and Attorneys which will include the jurors' names, addresses, and occupations. From this list the Attorneys will "STRIKE" jurors by number with the Prosecuting Attorney having one strike for every two strikes of the Defense Attorney. The Attorneys will strike in turn (beginning with the Prosecuting Attorney) until only 12 jurors are left. (For example, with 24 on the venire, the Prosecuting Attorney will have four strikes and the Defense will have eight strikes.) Upon completion, the Judge will call for the jurors not struck to take the witness box.

OPENING STATEMENT

Each Attorney, beginning with the Prosecution, will give a brief statement about the case and what he expects the evidence will show.

CASE PRESENTATION

Prosecuting Attorney will present the State's case first. Prosecutor will call each witness on his side; the Judge (or Bailiff) will swear in the witnesses; the Prosecutor will question the witness on "direct examination;" and the Defense Attorney will then question the witnesses on "cross-examination;" and, if he so chooses, the Prosecutor may question again on "redirect examination." After presenting all of his witnesses the Prosecutor will

rest his case and the Defense Attorney will present his witnesses in the same manner.

FINAL ARGUMENTS

After presentation of their cases the Attorneys will make their closing arguments to the jury. The Prosecutor will give a brief argument, followed by the Defense Attorney's argument; and, finally, the Prosecutor will give his final closing argument.

After closing arguments, the Judge will Charge the Jury as to the laws in the case and the Jury will be locked up until they reach a verdict. Any decision made by the Jury must be a unanimous vote. If a unanimous decision cannot be reached after a reasonable length of time, the Judge will declare a mistrial (if a mistrial is declared, the case would be reset for trial and would be tried again at a later date).

Script provided is going to be short and it is recommended that students chosen to play these parts will be reasonable, outgoing and quick-thinking.

The students playing the roles of Attorney and Witnesses may be required to "Ad lib." It should be pointed out that the most important role in the script goes to the Attorneys and the success of the trial is dependent upon their ability to ask the proper questions and plan the proper strategy.

It is recommended that the witnesses and Attorneys on each side get togther before hand and plan their strategy. Additions to the witnesses' testimony are allowable and small ad libs are good; however, it is recommended that any major deviation by one side be made known to the other side before the trial. Atorneys should see all of the script, but witnesses should not see the testimony from the other side.

*This mock trial was prepared by the staff of the office of the District Attorney - Twenty-third Judicial Circuit.

INDICTMENT

STATE OF ALABAMA

CIRCUIT COURT_____Term, 19___

_____COUNTY

The Grand Jury of said County charge, that before the finding of this indictment,

Billy Joe Fatal, whose name is unknown to the Grand Jury other than is stated, did unlawfully and intentionally cause the death of Warren Oates by shooting him with a pistol, in violation of Section 13A-6-2, Code of Alabama 1975.

Against the peace and dignity of the State of Alabama.

_____

District Attorney - ___Judicial Circuit

DETECTIVE JONES

HUNTSVILLE POLICE DEPARTMENT

Six years experience as homicide detective, four years experience as patrolman.

Police were called at 10:00 p.m. concerning a shooting at the Blue Goose Club. Detective Jones arrived at 10:10 p.m. Detective Jones found Warren Oates' body face down in the storeroom in the Blue Goose Club. Oates had been shot twice in the chest. A .22 caliber revolver was found in the room behind a can of floor cleaner. Both the room and Oates' body were searched by Det. Jones and nothing else was found. Det. Jones marked the revolver and then turned it over to the State Toxicologist.

Police found Fatal at home. When they asked if Billy was at home, his wife began to cry and said yes. Fatal was in the living room; he did not resist. He was read his rights and told he was under arrest.

BILLY JOE FATAL

DEFENDANT

Fatal says that he and Oates were watching a ball game on which they had a small wager. He and Oates began arguing and the owner of the club told them to go into the back room. Fatal said Oates pulled a knife on him and told him to get out of the Blue Goose. Fatal says that he went out and reached for his wallet to pay his bill. Fatal claims that his wallet was missing and that he thought that he had left it in the back room. Fatal claims that he got the gun and went into the back room to get his wallet. Fatal claims that Oates said, "I told you to get out of here," and reached for the knife in his back pocket. Fatal then shot him. Fatal said that he left because he was afraid of some of Oates' friends at the bar.

Fatal said that he went home and told his wife what he had done. He then told her to call the police but the police arrived before she could do so.

REVEREND CAIN

Reverend Cain had known Billy Joe Fatal for ten years. The Reverend knew Billy Joe was a good man, church going, and not violent.

JOHN HARRIS

Harris knew Warren Oates for three years. His reputation was bad. Carried a knife and was quick to pull it.

MARY LOU FATAL

WIFE OF THE DEFENDANT

Mary Lou says that Billy Joe came home at approximately 10:30 p.m. on the night of November 14, 1973, and told her that he had shot Warren Oates because Oates had pulled a knife on him. She says that Billy Joe told her to call the police, but the police arrived at the house before she could call.

JIM TAYLOR

Taylor said he had been watching the ball game with the victim and the accused when the argument started. He saw them go into the back room and saw Fatal come out about five minutes later and stand near the cash register and then go back into the storage room. He then heard the shots and saw Fatal run out of the back room.

DR. KNOW

STATE TOXICOLOGIST

Employed by State for ten years; BS Degree from Auburn Pharmacy School; Graudate of Alabama State Toxicologists School with courses on weapons and cause of death.

On November 15, 1973, Dr. Know was called upon to perform an autopsy on Warren Oates. Dr. Know found the cause of death to be two (2) .22 caliber gun shot wounds in the chest. Powder burns on Oates' clothing indicated he was shot at a range of about 4 feet. Dr. Know made tests of the weapon which was turned over to him by Det. Jones and determined that it was the weapon that killed Oates.

JAMES TUCKER

MANAGER OF THE BLUE GOOSE

CLUB

The .22 caliber revolver belonged to Tucker, who says he did not know how Fatal got the gun; but it would not have been much trouble. He said he kept the gun under the cash register, which was placed at the end of the bar.

Tucker said that Fatal and Oates got into an argument over a ball game they were watching on T.V. and began to get pushy and loud. He added that he told them that if they were going to keep it up to go either into the back room or get out. About ten minutes later, at approximately 9:50 p.m., he heard two shots, after which Fatal walked out of the back room, said nothing, and ran out the front door. Tucker went to the back room, found Oates' body and immediately called the police.

Tucker said that both Oates and Fatal were frequent customers in his bar.

JURY CHARGE

Ladies and Gentlemen of the Jury, this case comes to you by way of indictment which reads as follows:

> State of Alabama, Madison County. The Grand Jury of said County charge, that before the finding of this indictment, Billy Joe Fatal, whose name is unknown to the Grand Jury other than as stated, did intentionally cause the death of another person, Warren Oates, by shooting him with a pistol, in violation of Section 13A-6-2, Code of Alabama 1975, against the peace and dignity of the State of Alabama.

The burden of proof is on the State of Alabama. The State must prove the defendant guilty beyond a reasonable doubt and to a moral certainty, but not beyond all possible doubt, nor to a mathematical certainty.

Reasonable doubt may be defined as a doubt for which a reason may be given. That is not a mere possible doubt or mere imaginary doubt, but a reasonable doubt.

Moral certainty is that degree of certainty which you would use in deciding matters of utmost importance to yourself.

So, again, Ladies and Gentlemen of the Jury, I instruct you that the burden of proof is on the State. The State must prove the defendant guilty beyond a reasonable doubt and to a moral certainty.

The defendant in this case comes to you clothed with the presumption of innocence, and this presumption attends and shields him throughout the course of this trial until such time as you are conviced beyond a reasonable doubt and to a moral certainty that he is guilty. At that time the presumption ceases.

You are charged that you must take the testimony of each witness into consideration, except that if you feel that any witness has willfully lied as to any material point, you may disregard that testimony in its entirety.

(IF THE DEFENDANT DID NOT TESTIFY IN HIS OWN BEHALF, AND IF HE REQUESTS THAT THE JUDGE BRING THAT FACT TO THE ATTENTION OF THE JURY, THEN THE JUDGE WOULD CONTINUE HIS CHARGE BY SAYING:)

The defendant has the constitutional right to remain silent and not take the stand to testify. He has merely exercised that right, and you should not draw an inference of guilt from the exercise of this right.

(IF THE DEFENDANT DID TAKE THE WITNESS STAND, THEN THE JUDGE WOULD GIVE THE FOLLOWING INSTRUCTION:)

The defendant may testify as a witness on his own behalf, and when he does so you may consider the testimony of the defendant along with all the other evidence, in the light of the fact that he is the defendant, and the interest he has in your verdict. This is to be taken into consideration together with all the other evidence, or lack of evidence.

I remind you that the opening and closing arguments and other remarks of the prosecuting and defense attorneys is not evidence and is not to be considered as such.

Defendant is charged with Murder. That is intentionally causing the death of another person.

Intentional means simply that the defendant meant to do that which he did.

Under this indictment, the defendant may be found guilty of manslaughter. Manslaughter is causing the death of another person under circumstances which would otherwise constitute murder, but in doing he was moved to act by a sudden heat of passion caused by legal provocation and before there had been a reasonable time for the passion to cool and for reason to reassert itself.

In order to amount to legal provocation, the provoking act must have been of a nature calculated to influence the passions of the ordinary, reasonable man. In other words, the act or acts of the deceased person must not have been the result of the defendant's own doing, and must have been so outrageous and offensive as to cause an ordinary, reasonable person extreme mental or emotional disturbance sufficient to loose the bounds of normal restraint.

A person is entitled to kill under circumstances which evidence self-defense. For self-defense to be present, the defendant must be in actual fear of his life or great bodily harm, and he must not be able to retreat without increasing his own peril. In other words, there is a duty to retreat if possible.

If you determine that the defendant was acting in self-defense under the evidence as presented in this case, you should return a verdict of not guilty.

I ask you to retire and consider your verdict, ladies and gentlemen. I remind you that whatever decision you reach must be a unanimous one with all jurors concurring with the verdict. You should appoint one of your members as foreman and upon reaching a verdict, it should be written on a piece of paper from which the foreman will read your decision.

ABOUT THE VERDICT

In an actual trial, if the jury were to find the defendant guilty of Murder, they may be utilized immediately for a sentence hearing, i.e., to recommend to the judge whether the defendant should receive life imprisonment without parole or death.

If the jury were to find the defendant guilty of Manslaughter, then the judge would set the sentence according to the law, which is from 1 year and 1 day to 10 years.

All of the participants in the trial, except for the judge, should read the story several days before the presentation. They will need this time to prepare arguments.

The rest of the class will serve as jurors. It is important that they do not know the story before the mock trial. All the relevant facts should be brought out by the attorneys in their examination of the witnesses.

ROLES FOR THE MOCK TRIAL

Judge - The judge will conduct the trial in an orderly fashion. He or she will see to it that both sides have a fair chance to present their cases. After both sides have presented their cases, the judge will instruct the jury as to which principles of law apply. In this case, theft is a misdemeanor (a less serious crime than a felony) in Frogdom. The search is legal if the law enforcement officer has permission.

Jury - It will be their responsibility to listen to the witnesses and determine the facts of the case. They should listen carefully to the arguments presented by the two attorneys.

Prosecuting Attorney - This lawyer will attempt to prove that Kerplunk is guilty of stealing the golden nugget and that he should be punished.

Defendant's Attorney - This attorney will attempt to show that the search was against the Constitutional rights of the accused. His client pleads not guilty. The lawyer contends that Kerplunk's Constitutional right to privacy has been violated or uses any other argument the lawyer thinks will be effective.

Witnesses - Each attorney may call two witnesses to support his side of the case. (Remember, Kerplunk pleads not guilty; so the prosecution will have to prove that Kerplunk stole the nugget.)

CONDUCTING THE TRIAL

In this trial, procedure should be as uncomplicated as possible. Only primary courtroom roles have been included and the less important steps in the process have been eliminated. The following steps should be followed, in sequence:

Opening of the Court
Swearing in of the Jury
Opening Statement of Prosecuting Attorney
Opening Statement of Defendant's Attorney
Direct Examination of Witnesses
Cross Examination of Witnesses
Closing Argument by Defendant's Attorney

Closing Argument by Prosecuting Attorney
Charge to the Jury
Deliberations by the Jury
Verdict Delivered to the Court
Sentencing by the Judge

EVALUATION

This is the most important aspect of a mock trial simulation. The following questions should help to direct discussion toward the major concepts. However, in leading the discussion, please stress that their play is intended to teach trial procedure, and should not become an acting contest.

How well did you understand the various courtroom rules?
With what crime was the defendant charged?
What law(s) was (were) broken?
What is (are) the major issue(s)?
What arguments did the defense present?
What arguments did the prosecution present?
What facts were not presented?
What was the decision? Do you agree or disagree?
Are there grounds for an appeal?

FRANCINE, KERPLUNK,
AND THE GOLDEN NUGGET

TO THE TEACHER

The following fanciful fable can be used to help eighth graders address the issue of search and seizure. These suggestions should help to focus the issue.

DISCUSSION QUESTIONS

Did the Chief have the right to search Kerplunk's pad? Why or why not?

What is a search warrant? Do you think the Chief should have had a warrant?

Remember, Kerplunk gulped and the Chief interpreted this to be consent to search. Did Kerplunk give his permission?

The golden nugget was forcibly removed from Kerplunk. Does it make any difference that it was removed by accident?

A MOCK TRIAL

A simple mock trial can be developed on the issue of search and seizure. You will have to assume that frogs have the same Constitutional rights that we have. (The 4th Amendment gives us the right to privacy and protects us against unlawful searches and seizures.)

PROCEDURE

Select four students to play the main characters: Francine, Kerplunk, Chief Bull Frog, and Fat Flopper.

Select three students to play the judge, the prosecuting attorney, and the defendant's attorney.

Select four more students to be witnesses: two for the prosecution, two for the defense.

Francine, Kerplunk, and the Golden Nugget*

Once upon a time there were two frogs named Francine and Kerplunk. They lived in a pond in the woods. Francine was a very pretty frog. She had big beautiful eyes. She had long frog-legs. All the frogs in the pond thought she was pretty. Kerplunk knew she was the prettiest frog he had ever seen. But Kerplunk was bashful. He never knew what to say to Francine.

The pond they lived in was dotted with lily pads. Many of the teenage frogs liked to play leapfrog from one pad to another. On Thursday evenings, they would gather on the grassy bank to practice singing. The Frog-Horn Chorus could be heard for miles around.

Francine and Kerplunk both sang in the chorus. Kerplunk always tried to sing well so that Francine would notice him. But Francine never paid any attention.

Francine spent most of her time collecting pebbles. It was her hobby. She would swim over to the sparkly stream and search along the bottom for pretty stones. She liked smooth pebbles and colored ones. Mostly she searched for the bright ones that sparkled in the sunlight. Those were really hard to find. Each day she would find another lovely stone. Her collection grew and grew.

Kerplunk would watch Francine looking for stones. He would try to get her attention by showing off. Kersplish! Kersplash! He would jump from lily pad to lily pad. He jumped high and never missed a pad. But Francine ignored him. When he got up his nerve, Kerplunk would ask Francine to play. Francine always refused. She was more interested in her pretty pebbles.

*Reprinted with permission of the Law in American Society Foundation.

Finally, one day, Kerplunk became so angry that he warned Francine, "If you don't play with me, you'll be sorry!" Francine ignored him. She couldn't think how Kerplunk could make her sorry. She continued to look for pebbles.

One day a wonderful thing happened while Francine was looking for pebbles; she found the best pebble she had ever seen! It was shiny. It sparkled. It was a golden nugget! She was so excited. She called to Kerplunk to look at it. Kerplunk did not see anything special about a stupid stone! Looking for pebbles was a waste of time. He asked Francine to play leapfrog again.

She didn't even bother to answer him. She hopped over to a friend's house to show off her golden nugget. Kerplunk was hurt and mad again.

That evening Kerplunk decided to get even with Francine. It was Thursday. Everyone would be singing on the bank. Francine would be there, too.

It was quiet except for the sound of the chorus. Kerplunk knew he would not be seen. He skipped over to Francine's pad.

He was looking for her collection. He finally found Francine's hiding place. There were lots and lots of pebbles. Right in the middle of the pile was what Kerplunk wanted. The golden nugget! Now she'd be sorry. Now maybe she would pay attention to him. Why, he could even pretend he found it for her if she was too unhappy. He did not want her to feel too badly. He took the nugget and swam home, lickety-split.

When Francine returned from song practice, the first thing she did was to go to her hiding place. "Oh, no!" she croaked. It was gone! She began to cry. She looked and looked, but the nugget was not there, not anywhere. She cried all night long.

The next morning Francine still could not find the nugget. She knew that she had put it in the middle of her pile of pebbles. Someone must have taken it. But who? Who would do such a mean thing? Everyone knew it was her favorite pebble.

All of the frogs in Frogdom had been singing on the bank last night when the nugget must have been taken. That is, all of the frogs except Kerplunk! And Kerplunk was mad at her because she wouldn't play his silly games! Besides, he had warned her that she would be sorry.

Francine decided that it wouldn't do any good to ask Kerplunk herself. She had to go see Chief Bull Frog and tell him her story.

Francine hopped over to the Police Pad. The Chief was always ready to listen. Francine explained what had happened. She told the Chief that she was sure Kerplunk had taken the nugget. The Chief said the best thing to do was to go and ask Kerplunk. Francine didn't want to go alone. The Chief said he would go with her.

Chief Bull Frog and Francine went off to Kerplunk's lily pad. When they got there, the Chief asked Kerplunk if he had taken the nugget. Kerplunk didn't answer. He was afraid. Besides he could not open his mouth to speak because the golden nugget was hidden under his long, fly-catching tongue. The Chief said if Kerplunk didn't mind, he would just take a look around the lily pad. Kerplunk gulped. His gulp looked like a nod to the Chief. The Chief decided he would need some help, so he called his assistant--Fat Flopper.

Now Fat Flopper was not very good at leapfrogging. He started over to Kerplunk's house and missed three lily pads on the way. As he bounced into Kerplunk's pad, he landed right on top of Kerplunk with a terrible "whump." You can guess what happened! Out popped the golden nugget! The Chief saw it--Francine saw it. Kerplunk looked really scared now.

What would happen? What would the Chief do? What would Francine do?

NAME THAT CRIME

TO THE TEACHER

Ask your students to read the following story and pick out the crimes which were committed. There are nine criminal acts described, and an answer key is given below.

ANSWER KEY

1. Conspiracy (planning the crime and observing the house)
2. Breaking and entering a vehicle (A person does not actually have to break into a car; if he/she enters an unauthorized vehicle, it can be considered breaking and entering.)
3. Unauthorized use of a vehicle
4. Theft of property (stealing the car and gun)
5. Changing the license plate (tag)
6. Receiving stolen property (This occurred when Fine gave the gun to Elbert.)
7. Carrying a concealed weapon
8. Possession of a firearm in the commission of a felony
9. Burglary (Once a person breaks in with the intent to steal, it is considered burglary.)

NAME THAT CRIME

Directions: Read the following story and list below the nine crimes that were committed.

Louis Elbert and Eric Fine had been good friends since college. Both had good jobs, but somehow they felt their lives would not be complete unless they committed the "perfect crime."

They planned their crime (or crimes) for Christmas Eve, 1974. The following is a police account of what happened:

Elbert and Fine met each other at 6:00 p.m. on December 24 at Johnnie's Bar and Grill at the corner of Indiana Avenue and 2nd Street. At this meeting, they apparently planned the final details of their crime(s).

At about 7:00 p.m. Fine left the restaurant and went to 2501 - 17th Street. He "hot wired" a 1974 Ford Mustang II and drove it to 1751 Nebraska Avenue, where he met Elbert again. Fine changed the license plates of the car, so police could not immediately identify the car as stolen. He found a gun in the glove compartment which he gave to Elbert when they met again. The gun was registered to Mr. John Smith. Because neither Elbert nor Fine had ever used or owned a gun before, they weren't sure whether it was loaded.

For several weeks, Elbert had been "staking out" the house in question and learned that Mr. and Mrs. Arnold Stang lived there. He also learned that the Stangs were going to go to a Christmas party on the evening of the 24th. Elbert also knew that the Stangs house would be empty after the Stangs left for the party.

At 8:00 p.m. Mr. and Mrs. Stang left the house to go to their party. Elbert approached the house (wearing black clothing, rubber gloves, and with the gun tucked into his belt), disconnected the alarm system and quietly cut through a glass window in order to open a rear door. Elbert entered the house while Fine remained by the car.

In about 15 minutes, Elbert had collected more than $50,000 in cash and jewelry. He then started to leave the house. He went past an open door on the second floor and was seen by an older woman who was lying on the floor. The woman, Mrs. Robert Young, screamed and then fell unconscious. Elbert ran from the house.

1.	4.	7.
2.	5.	8.
3.	6.	9.

CRIMINAL PROCEDURES--CRIMINAL OFFENSES--CORRECTIONS

TO THE TEACHER

This activity is designed to help students recognize and use terms associated with criminal procedures, criminal offenses and corrections and to help develop the skill of categorizing information.

To use the activity as an aid to learning and using legal terms, allow students to use any available resource.

To use the activity as a review or as a test, it should be done without the aid of a text or glossary.

Give each student an alphabetized list of terms and instruct them to write each word in the correct column. The following page can be reproduced for distribution. The correct categorization is given here for your benefit.

CRIMINAL PROCEDURES	CRIMINAL OFFENSES	CORRECTIONS
Acquit	Accessory	Convict
Affidavit	Assault	Correctional Institution
Appeal	Arson	Detention
Arraignment	Burglary	Guard
Arrest Warrant	Buying, Receiving and Concealing Stolen Property	Home Furlough
Bail	Carrying Concealed Weapon	Incarceration
Bailiff	Conspiracy	Inmate
Circuit Court	Disturbing the Peace	Jacket
Complaint	Embezzlement	Maximum Security
Convict	Escape	Pardon
Court of Appeals	Forgery	Penitentiary
Decree	Homicide	Prison
Defendant	Larceny	Probation
Extradition	Murder	Punishment
Grand Jury	Perjury	Rehabilitation
Indictment	Possession	Sentence
Judge	Rape	Solitary Confinement
Judgment	Robbery	Warden
Nolle Prosequi (Nol. Pros.)	Trespass	Work Release
Petit Jury		
Plea		
Preliminary Hearing		
Prosecutor		
Sentence		
Subpoena		
Trial		
True Bill		
Verdict		
Voir Dire		

CRIMINAL PROCEDURES - CRIMINAL OFFENSES - CORRECTIONS

Each of the following terms is related to criminal procedures, criminal offenses or corrections. Divide your paper into three columns and write each word in the column under the appropriate category. There is one term that can be used in two categories.

Your teacher will tell you whether or not you may use your book.

Accessory
Acquit
Affidavit
Appeal
Arraignment
Arrest Warrant
Assault
Arson
Bail
Bailiff
Burglary
Buying, Receiving and Concealing Stolen Property
Carrying Concealed Weapon
Circuit Court
Complaint
Conspiracy
Convict
Correctional Institution
Court of Appeals
Decree
Defendant
Detention
Disturbing the Peace
Embezzlement
Extradition
Escape
Forgery
Grand Jury
Guard
Home Furlough
Homicide
Incarceration
Indictment
Inmate
Jacket
Judge
Judgment
Larceny
Maximum Security
Murder
Nolle Prosequi (Nol. Pros.)
Pardon
Penitentiary
Perjury
Petit Jury
Plea
Possession
Preliminary Hearing
Prison
Probation
Prosecutor
Punishment
Rape
Rehabilitation
Robbery
Sentence
Solitary Confinement
Subpoena
Trespass
Trial
True Bill
Verdict
Voir Dire
Warden
Work Release

LEGAL PROCEDURES

(A Matching Folder Activity)

TO THE TEACHER

This activity is suitable for individual use by students who have learning difficulties. It reinforces major concepts without confusing details and exceptions to standard procedures.

The student should be able to name the major steps in a criminal court action from arrest to penalty or release. (See page 51 for the steps and choose the ones you wish to include for your students.)

PROCEDURE

The goal is to place the cards in the order in which each legal process occurs.

1. Place the cards face-up on the table (this would be with the pictured steps of the criminal process showing.) See next page.
2. As a card is chosen, place it on a numbered block on the right side of the open folder.
3. After all cards are in place, close the folder--left over right.
4. Turn the folder over and place it back on the table.
5. Open the folder. If the cards of the criminal process steps were placed in the correct order, you would see a picture of _____ (an appropriate picture chosen by the teacher). See next page.
6. If the picture does not "look right," gather up the cards and start over.

MATERIALS (for each matching folder)

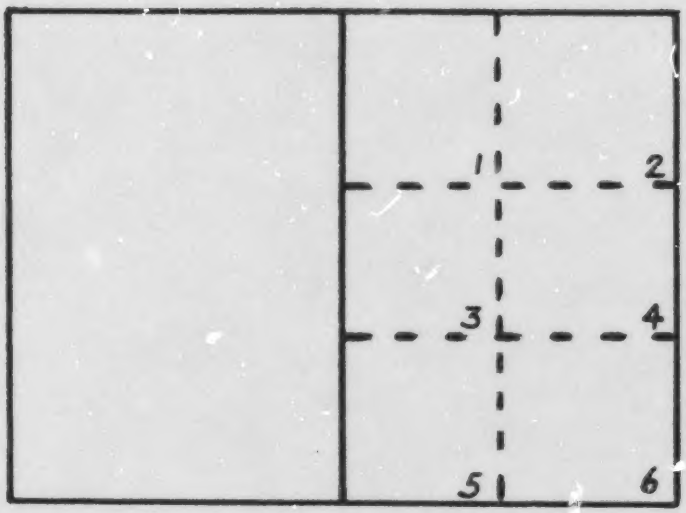
1 - manilla folder

1 - 8 1/2" by 11" piece of lightweight cardboard

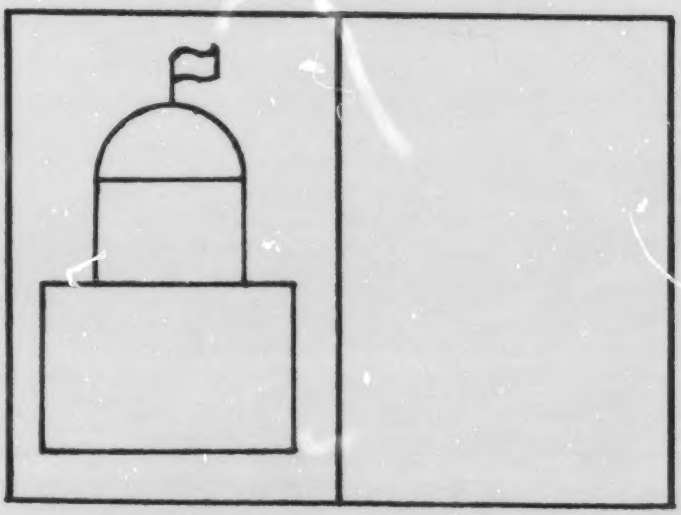
8 - drawings illustrating legal procedures--arrest, booking. pre-trial hearing, grand jury indictment, arraignment, trial, verdict, and penalty or acquittal

1 - 8" by 11" picture of Supreme Court Building or other appropriate picture

SAMPLES OF L GAL PROCEDURES FOLDER



SAMPLE FOLDER
(You would decide the number of steps to be included.)



OPENED FOLDER WITH PICTURE
(Steps of Criminal Process on the back of the picture)

PART C

ACTIVITIES FOR TEACHING JUVENILE LAW

SOME MAJOR PROVISIONS OF THE JUVENILE CODE

AND RULES OF PROCEDURE

1. A district court judge shall be the juvenile court judge unless the presiding judge appoints a circuit court judge to be juvenile court judge in which event the state supreme court must approve the appointment.

2. The juvenile court shall have jurisdiction in the following matters:

   A. Children: delinquency, dependency, or in need of supervision cases; child custody cases (not exclusive jurisdiction); removal of disabilities of non-age; interstate compact cases; commitment of mentally inferior or feeble-minded children; adoption cases which have been removed from probate court; termination of parental rights; cases where child is physically, mentally, or emotionally abused; cases requiring emergency medical treatment; cases alleging rights denied or infringed in suspension, expulsion or exclusion from public schools. Traffic cases may be transferred to juvenile court to be tried as delinquency cases.

   B. Minors and adults: cases charging aiding, encouraging, causing delinquency, in need of supervision, or dependency; failure to obey lawful order of juvenile court or interfering with custody of child under court's jurisdiction; or department of pensions and security worker in their duties; cases charging disclosure or misuse of juvenile court records; paternity cases; desertion and non-support cases; commitment of mentally ill or mentally retarded minors.

3. "Child" means under age 18 at the time the act was committed.

4. "Child in need of supervision" is, by definition of state law, a person under the age of 18 who:

   A. being subject to compulsory school attendance, is habitually truant from school; or

   B. disobeys the reasonable and lawful demands of his/her parent or guardian and is beyond their control; or

C. has committed an offense established by law but not classified as criminal or one applicable only to children; and

D. in any of the foregoing situations is in need of care or rehabilitation.

The determinations necessary for deciding whether a child is in need of supervision must be made by a juvenile court judge after a petition has been filed with the court alleging such facts.

The category of CHINS (or PINS - Persons in need of supervision as they are called in some states) is a creation of the law designed to enable the juvenile courts to exercise jurisdiction over and prescribe care and treatment for a child who is engaging in basically non-criminal behavior, but who is in need of protection from his/her own conduct. CHINS cases are a separate category from Delinquency cases which do involve a claim that a child has engaged in criminal activity. An example of a typical CHINS case might involve a 15 year-old girl or boy who continually runs away from home and refuses to return without legal cause for such action. The juvenile court, if it determines this child to be in need of supervision, may have to place such child temporarily in the home of another relative or with a public or private agency until the family's problems can be resolved.

5. "Detention care" is for delinquency cases only.

6. "Guardian ad litem" means a licensed lawyer appointed by the court to defend or represent a child or the child's interests.

7. An intake officer may hold open a case and attempt, with the consent of the child and his parents, to make informal adjustment, which consists of counseling or referral to other resources which may provide assistance. The informal adjustment process may be terminated and the petition filed at any time. The informal adjustment process shall not continue for more than six months.

8. When a juvenile court judge exercises jurisdiction other than that of juvenile court, priority in scheduling hearings should be given to juvenile cases, especially those cases in which a child has been detained.

9. A child taken into custody shall be released immediately from detention or shelter care unless release would present a clear and substantial threat of a serious nature to the person or property of others or to the child himself, or unless the child has a history of failing to appear for hearings before the court.

10. A delinquent child or child alleged to be delinquent may be detained in jail only if no other detention facility is available; the detention is in a room separate and removed from all contact with adult inmates; adequate supervision is provided; and the facility is approved by the department of youth services.

11. When a child is not released from detention or shelter care as provided, a petition shall be filed and a hearing held within 72 hours, Saturdays, Sundays, and holidays included, to determine whether continued detention or other care is required.

12. The child has a right to be represented by counsel at all stages of the proceedings. In any proceeding in which there is a reasonable likelihood that the child may be committed to an institution in which his freedom may be curtailed, and if counsel has not otherwise been retained, counsel shall be appointed for the child. In all other proceedings, the court may appoint counsel in any case upon request or when it deems such appointment is in the interest of justice.

13. Statements made by a child to prosecutors, police, probation officers, etc. are admissible in evidence as long as these statements are made under conditions which, when examined in light of all the circumstances surrounding the statement or confession, indicate that they were voluntarily made by the child; the child knowing and understanding the consequences of making such a statement. Some factors considered by the courts in applying this "totality of the circumstances" test in determining whether to allow a particular statement to come in as evidence include: the child's age, education, knowledge of the substance of the charges against him, the nature of his right to remain silent and consult an attorney, whether the child is held incommunicado or whether he is allowed to consult friends or relatives, and other similar relevant factors.

14. In disposition hearings all relevant and material evidence helpful in determining the questions presented, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value, even though not competent in a hearing on the petition. The parties or their counsel shall be afforded an opportunity to examine and controvert written reports so received and to cross-examine individuals making reports.

15. A child who is 14 or more years of age at the time of the alleged delinquent act (which must be a felony charge) may be transferred for criminal prosecution after a hearing on the motion. Evidence which shall be considered include: nature of present offense; extent and nature of prior delinquency record; nature of past treatment efforts and child's response; demeanor; extent and nature of the child's physical and mental maturity; the interests of the community and of the child. Prior to the hearing, a study and report to the court, in writing, relevant to the factors stated shall be made by probation services. When a person is transferred for criminal prosecution, the court shall set forth in writing its reasons for granting the motion which shall include a finding of probable cause for believing that the allegations are true and correct.

16. At any time after the filing of a petition, the court may suspend proceedings and continue the case, under terms and conditions agreed to by all parties. The court's order continuing the case of the child under supervision of the child's own home, under terms and conditions agreed to by all parties concerned is called a consent decree. If prior to discharge by the probation services or expiration of the consent decree, a new delinquency or in need of supervision petition is filed against the child, or the child otherwise fails to fulfill express terms and conditions of the decree, the petition under which the child was continued under supervision may be reinstated and the case may proceed to adjudication. The provision for consent decrees is intended to expedite the administration of justice and eliminate the need of a finding of delinquency which may cause problems for the child in later life.

17. Unless a child found dependent shall also be found to be delinquent, he shall not be committed to or confined in an institution established for the care and rehabilitation of delinquent children or detention facility.

18. No child found to be in need of supervision, unless also found to be delinquent, shall be committed to or placed in an institution or facility established for the care and rehabilitation of delinquent children unless the court finds upon a further hearing that the child is not amenable to treatment or rehabilitation under any prior disposition, or unless such child is again alleged to be a child in need of supervision and the court, after hearing, so finds.

19. If, after due notice to the parents or other persons legally obligated to care for and support a child found to be delinquent, in need of supervision, or dependent, and after a hearing, the court finds that they are financially able to pay all or part of the court costs as provided by law, attorney fees and expenses with respect to examination, treatment, care or support of the child incurred in carrying out the provisions of this article, the court shall order them to pay the same and may prescribe the manner of payment.

20. Court costs of juvenile cases shall be assessed at a basic fee of $35.00.

21. The court shall, by rule, require all law enforcement agencies to take special precautions to insure that law enforcement records and files concerning a child will not be disclosed to any unauthorized person.

22. A child's juvenile court records may be sealed two years after final discharge provided he has not been convicted of a felony or misdemeanor involving moral turpitude, or adjudicated delinquent prior to the filing of the motion to seal the records, and provided there is no proceeding pending seeking such conviction or adjudication.

23. A child's juvenile court records may be destroyed five years after reaching the age of majority subject to the above noted conditions.

24. A person who has been the subject of a delinquency petition shall be notified at the time of discharge of his rights concerning the sealing and destruction of his records.

QUESTIONS AND ANSWERS ABOUT JUVENILE COURT

1. When is the court date?

   The date for the court hearing is indicated on the appearance agreement which is issued when the juvenile is released from the Detention Home. BE SURE TO BE AT THE COURT ON TIME. Allow plenty of time for parking since the downtown area may be crowded.

2. Where is the court?

   Juvenile delinquency cases are heard by a district judge or a circuit court judge in the County Court House.

3. Who must be present for court?

   The juvenile must be present for court with at least one of his parents or his legal guardian.

4. What happens at court?

   The juvenile and his parents or legal guardian should wait in the hall outside the court or in the lobby of the Family Court offices until called into the courtroom.

   The Judge will then call the name of each juvenile scheduled for court on that day and will ask who is present with the juvenile (mother, father, or legal guardian) and whether the juvenile failing to appear at the specified time will be ordered taken into custody and placed in the Detention Home. If a juvenile is too sick to be present, a parent or the legal guardian should be present in court and bring a doctor's statement that the juvenile is too sick to come to court on that date.

   The Judge will then inform all juveniles before the court of their constitutional rights. Following this, all juveniles and their parents or legal guardians will leave the courtroom and wait in the hall until each juvenile is called into the courtroom one at a time. When a juvenile is called into the courtroom, his parents or legal guardian will enter the courtroom with the juvenile. (While waiting in the hall for the case to be called, it is best not to leave the area since the case will usually be called in only a few minutes.)

When a juvenile and his parents or legal guardian enter the courtroom they will be handed a copy of the summons stating the charge of delinquency alleged that the juvenile has committed, unless the summons has been delivered prior to the court date. The Judge will then read the petition stating the charge of delinquency alleged and will ask the juvenile whether he/she wishes to admit or deny the charge. This means whether or not the juvenile did or did not commit the act of delinquency as stated in the petition.

If the juvenile tells the Judge that he/she did commit the act of delinquency stated in the petition, then the Judge will study the report prepared by the probation staff and will usually make a decision at that time.

If the juvenile denies that he/she committed the act of delinquency stated in the petition, the Judge will continue the case to a later date when the petitioner and other witnesses will be subpoenaed to court to testify as to what occurred.

The juvenile and his parents or legal guardian will be notified by subpoena of the date for the adjudication hearing, which is the term used in juvenile court for the trial.

5. What are some frequent dispositions ordered by the Judge in juvenile delinquency cases?

The Judge must consider many factors in making a disposition in a juvenile's case. Two very important factors are:

A. the welfare and safety of the public, and

B. what is in the best interest of the juvenile.

Some frequent decisions include:

A. Dismissal of very minor offenses.

B. Payment of a fine up to $250.00.

C. Probation for some period of time.

D. Confinement in the Detention Home for some period of time.

E. Commitment to a State Industrial School.

F. Certification as an adult to be tried in adult court.

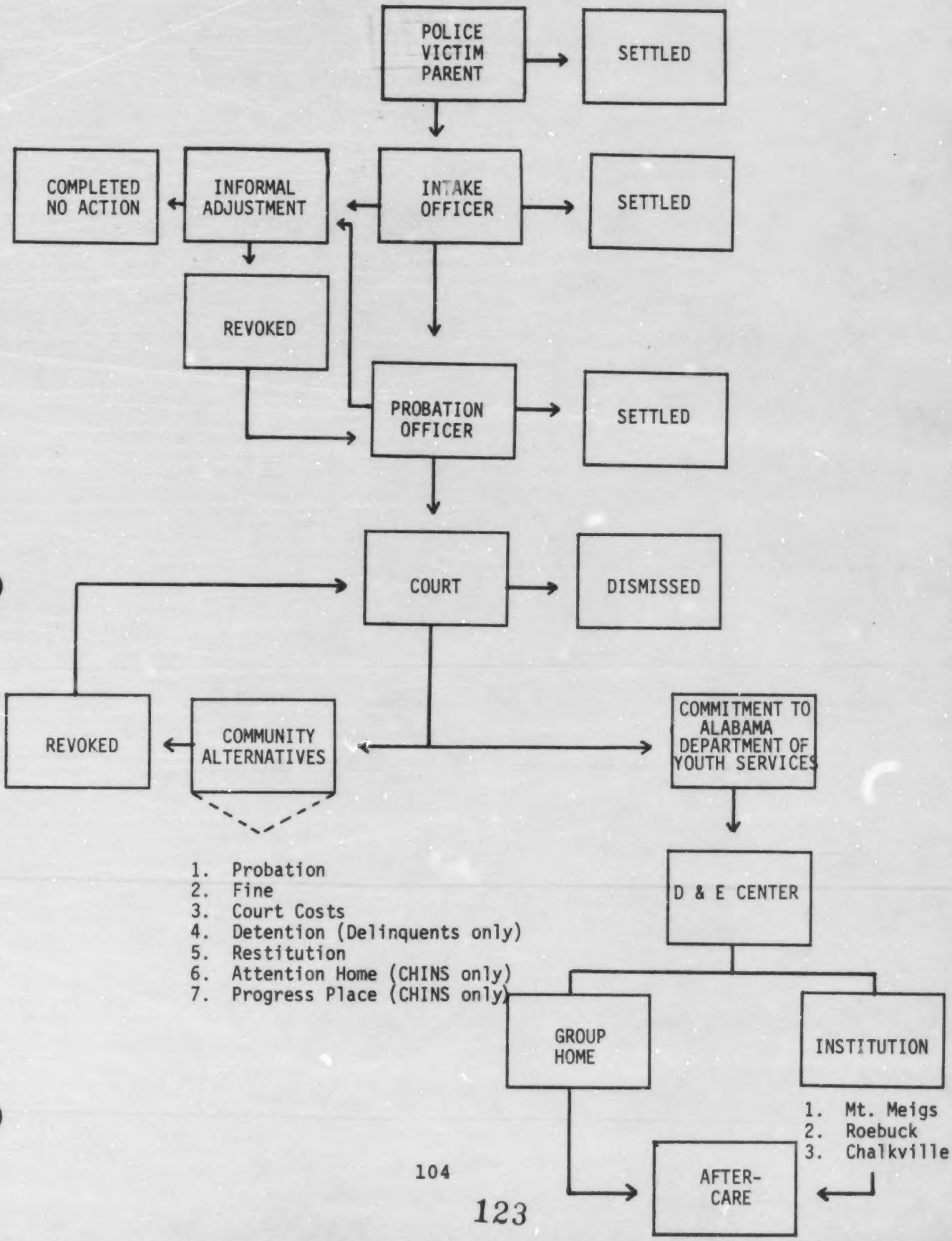
G. Various combinations of the above or other decisions as the case may necessitate.

H. The payment of court cost of $35.00 (plus $2.00 witness subpoena fees if any were issued) is ordered. This is to be paid in cash. Checks may not be accepted.

6. Should the juvenile have an attorney to represent him/her?

This decision must be made by the juvenile and his/her parents or legal guardian. Many prefer to discuss the matter with an attorney and follow his advice. If the juvenile denies the charge of delinquency, an attorney should be secured to represent the juvenile at the time of the adjudication hearing (trial).

JUVENILE COURT PROCESS



ARE YOU OLD ENOUGH?

Use your Civics text, an almanac, an encyclopedia, or any other available source to help you find out if you are old enough to participate in the following activities listed.

Check YES or NO and write in the minimum age at which you can legally do each thing.

ARE YOU OLD ENOUGH TO . . .	YES	NO	AGE
1. vote?			
2. marry without parental consent?			
3. drive a car?			
4. buy a gun?			
5. register for the draft?			
6. enter military service?			
7. open a checking account?			
8. enter into a business contract?			
9. be sued?			
10. quit school?			
11. hold a job?			
12. make a will?			
13. borrow money from a bank?			
14. be tried as an adult in a court of law?			
15. be called for jury duty?			
16. buy alcoholic beverages?			
17. be a valid witness to a will?			
18. go to prison?			
19. purchase a hunting and fishing license?			
20. own real estate?			

USING THE CASE METHOD APPROACH TO STUDY LANDMARK DECISIONS INVOLVING JUVENILES

TO THE TEACHER

The case study allows students to wrestle with relevant issues, to make and defend decisions, and to consider the consequences of their decisions. In approaching a problem through case study, the student will gain practice in all levels of thinking from simple recall to evaluation.

PROCEDURE

Give students a copy of the facts, only, of the case. Use questions and role playing to identify the issue(s), develop arguments, and reach a decision. Next, provide students with the court decision. Use questions and discussion to compare and contrast their decision with that of the court and to consider the implications of the court's decision.

SAMPLE CASE STUDY: TINKER v. DES MOINES SCHOOL DISTRICT

Who were John and Mary Beth Tinker? Who was Christopher Eckhardt? What was the accusation against the defendants?	FACTS
Is any legal issue raised by this case? Explain. What does the Free Speech Clause of the First Amendment mean in this case? Does the Free Speech Clause apply to juveniles?	ISSUE
What are the arguments favoring Tinker's position? What are the arguments favoring the school district's position?	ARGUMENTS
Should the Supreme Court review this case? Why? How would you decide?	DECISION
What was the court's decision? What reason did the court give for its decision? Do you agree with the decision? Why? What effect do you think this decision will have upon the rights of the individual?	EVALUATION

CASE I: TINKER v. DES MOINES SCHOOL DISTRICT

John F. Tinker, 15 years old, and Christopher Eckhardt, 16 years old, were high school students in Des Moines, Iowa. Mary Beth Tinker, John's sister, was a 13-year-old student in junior high school.

In December 1965, a group of adults and students in Des Moines held a meeting at the Eckhardt home. The group decided to protest the war in Vietnam by wearing black armbands during the holiday season and by fasting on December 16 and New Year's Eve. John, Mary, Christopher and their parents had previously engaged in similar activities, and they decided to participate in the protest.

The principals of the Des Moines schools learned of the plan to wear armbands. On December 14, 1965, they met and adopted a policy that any student wearing an armband to school would be asked to remove it. If a student refused, he would be suspended until he returned without the armband. The students were aware of the regulation that the school authorities adopted.

On December 16, Mary Beth and Christopher wore black armbands to their schools. John Tinker wore his armband the next day. They were all sent home and suspended from school. They did not return to school until after the planned period of wearing armbands had expired -- that is, until after New Year's Day.

QUESTIONS FOR TINKER CASE

1. Does the Free Speech Clause of the First Amendment protect students to the same extent as other citizens? If not, what special limitations apply in the schools? Why are such limitations imposed?

2. Do students at all levels of education, i.e. elementary, secondary and college, have the same rights under the First Amendment? If not, what are the reasons for these differences? Is this fair? Is this equitable?

3. The wearing of armbands has been referred to as "symbolic" speech." What does this mean? What is the difference between "symbolic speech" and "pure speech"? Should each be protected equally under the First Amendment?

4. What relevance is the principal's rule which prohibited the wearing of armbands? Does it matter that this rule was made in anticipation of the students' action? What if the school passed a regulation forbidding students to wear political campaign buttons?

THE DECISION

The United States Supreme Court ruled in favor of the students. The Court said that their conduct had been orderly and had not violated the rights of others. Justice Fortas, in writing the majority opinion, said, "Neither teachers nor students shed their constitutional rights to the freedom of speech...at the schoolhouse gate." The Court said there was no disturbance or any reason to believe there would be a disturbance. The wearing of black armbands, therefore, was a lawful form of expression.

CASE II: IN RE GAULT

A neighbor of Gerald Gault and Ronald Lewis, Mrs. Cook, complained to the police about a telephone call made to her in which the caller or callers made lewd or indecent remarks. The boys were taken into custody by the Sheriff of Gila County, Arizona. Gerald was then on probation as a result of having been in the company of another boy who had stolen a wallet from a lady's purse. At the time Gerald was picked up for the telephone calls, his mother and father were both at work. No steps were taken to advise them their son had, in effect, been arrested and taken to the Children's Detention Home.

A petition was filed with the juvenile court on the hearing day, June 8, 1964. A copy was not given to Mr. and Mrs. Gault. It said that "said minor is under the age of eighteen years, and is in the need of protection of this Honorable Court; (and that) said minor is a delinquent minor." It asked for a hearing and an order regarding "the care and custody of said minor." Officer Flagg signed a sworn statement in support of the petition.

On June 9, Gerald, his mother, his older brother, and probation Officers Flagg and Henderson appeared before the juvenile judge in chambers. Mrs. Cook, the complainant was not there. In addition, no one was sworn in at this hearing, no transcript or recording was made and no memorandum or record of the substance of the proceedings was prepared. Gerald was questioned by the judge about the telephone call. There was disagreement as to what he said. His mother recalled that Gerald said he only dialed Mrs. Cook's number and handed the telephone to his friend, Ronald. Officer Flagg recalled that Gerald admitted making the lewd remarks. At the conclusion of the hearing, the judge said he would "think about it" and Gerald was taken back to the Detention Home.

On Monday, June 15, Gerald, his father and mother, Ronald Lewis and his father, and Officers Flagg and Henderson came before Judge McGhee for further hearings. Witnesses couldn't agree on Gerald's testimony at a previous hearing. Again, the complainant, Mrs. Cook, was not present. Mrs. Gault asked that Mrs. Cook be present but the juvenile judge rejected her request. The judge did not speak to Mrs. Cook or communicate with her at any time. Probation Officer Flagg had talked to her once--over the telephone the day after the phone calls were said to have taken place.

At this June 15 hearing a "referral report" made by the probation officers was filed with the court although not disclosed to Gerald or his parents. This listed the charge as "Lewd Phone Calls." At the conclusion of the hearing, the judge committed Gerald as a juvenile delinquent to the State Industrial School "for a period of his minority (that is until 21), unless sooner discharged by due process of law."

QUESTIONS FOR IN RE GAULT CASE

1. Why is there a separate set of laws and legal processes for juveniles? Is this a good idea? Should juveniles have the same rights as adults? Should juveniles have the same responsibilities? Should they be subject to the same punishment?

2. Do you think it important that Gerald's parents be notified of all action taken in the case? What if Gerald did not want his parents involved? Should Gerald have the right to be represented by an attorney at the hearings? What difference would this make?

3. Do you think that Mrs. Cook, the complainant, should be present at the hearing? What if she were too embarrassed to testify? Should Gerald be forced to be a witness at this proceeding?

4. Would it make any difference if all that could happen to Gerald was a serious reprimand? Do you think that the sentence he received was fair?

THE DECISION

The Supreme Court ruled in favor of Gerald Gault. The Court said that when a juvenile proceeding can take away a young person's freedom by committing him to an institution, he is entitled to the same safeguards guaranteed an adult by the Due Process Clause of the Fourteenth Amendment. These rights include: notice of the charges made against the accused, representation by a lawyer, confrontation and cross-examination of witnesses in court, right against self-incrimination, and the right to remain silent.

A PLAY - A JOYRIDE TO CHARLEYTOWN

TO THE TEACHER

This play is not a mock trial in the true sense. It is really a lesson designed to take advantage of the natural interest of youth in their own problems. It attempts to accomplish two broad objectives for eighth graders. The first objective touches upon some causes of the problems of juveniles with the law, how they arise through innocence, neighborhood influences, and inactivity on the part of youth. The second objective deals with the consequences of irresponsible acts of youth. Related skills or learnings in this area looks to the procedures in juvenile trials and the rights and safeguards guaranteed to juveniles under our legal system. Here, we have treated, by inference in the play rather than be preaching at the youth, such legal essentials to the fair treatment of juvenile offenders as:

1. Specific notice and a statement of specific charges.
2. The opportunity to confront and cross-examine witnesses.
3. The privilege against self-incrimination.
4. The right to counsel.

In Part two the general procedure for a play has been given. It is recommended that you follow this procedure.

SPECIFIC PROCEDURE

Play - A Joyride to Charleytown:

Characters: 18

1. Narrator
2. Judge
3. Bailiff
4. Clerk
5. The complainant, Mr. Long
6. Mack Ronson
7. Tyrone Smith
8. Freddie Duke
9. Ronald Braddock
10. Percy Jones
11. James Corbin
12. Mr. or Mrs. Smith
13. Mr. or Mrs. Duke
14. Mr. or Mrs. Corbin
15. Mr. or Mrs. Ronson
16. Mr. or Mrs. Braddock
17. Mr. or Mrs. Jones
18. Two policemen

STAGING: TWO ACTS

The use of props should be kept to a minimum. There are eighteen characters in the play. It is recommended that you double cast the parts so that all pupils will have an opportunity to participate. The play runs about one class period.

Act I, Scene 1 - Front steps of an apartment house

The narrator, who appears only in Act I, Scenes 1 and 2, should stand on stage right, so that he can be seen and heard by the class.

Apartment steps - Six chairs placed in a row in front of the room will be sufficient for the steps of the apartment house.

Act I, Scene 2 - The interior of a car

The same six chairs, arranged three in front and three behind, can simulate the interior of an automobile.

Act II, Scene 1 - The Courtroom

Judge's Bench - You may use the teacher's desk and chair as the props. Place them directly in front of the classroom and as near the chalkboard as possible to allow space for characters to stand before the judge. You may also place a small table to the right of the Judge's bench for the complainant and another to the left for the accused to sit.

PREPARATION:

Each member of the cast should be supplied with a copy of the script. There is no need to commit the lines to memory so allow the students to read their parts. It is of major concern that the students get a "feel" of the legal issues involved in the play. Thus, it is desired that the students attempt to identify with the roles and the situation they portray while keeping within the limits of the written script.

REINFORCEMENT ACTIVITY:

Ten questions are provided for discussion as a follow-up exercise. The discussion that follows the play should be designed to promote a solution to problems of group concern. The questions and suggested answers which follow are for the teacher's use. The questions without answers which appear at the end of the script are for student's use.

A JOYRIDE TO "CHARLEYTOWN"

QUESTIONS

1. Why did Mac receive a more serious punishment from the Judge than the other boys?

   He had taken an automobile before. The courts deal more severely with a second offense. Because of his previous experience with the law he should have known better.

2. What does the law say about going for a ride in a car which is stolen?

   All of the boys technically shared the responsibility for the theft, but the court recognized varying degrees of guilt.

3. Should all the boys have been given the same punishment?

   The court recognized degrees of guilt and dealt with the boys in what the Judge felt was a fair manner. Thus, not all received the same punishment. In this case some of the boys were the victims of circumstances.

4. Do you agree with the Judge's decision? Why?

   Answers will differ depending upon the backgrounds of the various students. This is a good question for discussion. If the students disagree, ask them how they would handle the case. What would they want done if their car were stolen?

5. How would your parents react if you were caught riding in a stolen car?

   Answers may differ in the degree of the parental response, but no parent would be pleased by the situation.

6. Why did Percy have to be a little more careful in everything he did than the others?

   He was on probation for a previous offense and his probation could have been revoked. He could have been sent back to St. Charles if the Judge had so wished.

7. Do you think Percy could get into serious trouble even though he was completely innocent?

   Quite possibly he could, the fact that he was on probation makes him an easy victim of circumstances.

8. Should parents be held responsible for the actions of their children?

   Answers will differ. A good question for discussion.

9. Should parents have to pay for damages caused by their children?

   Answers will differ. You may wish to discuss with the class the effect this policy might have on parents.

10. In what ways can children be taught respect for law and the rights of others?

    Different answers are possible. If children understand the law and how it protects the individual it may also help them to understand why it is necessary to respect the rights of others.

A JOYRIDE TO CHARLEYTOWN*

A Modern Play

ACT I, Scene 1: Porch

Narrator: It is a hot sweltering summer evening. Two boys are sitting on the steps of an apartment house.

Mack: Gee, it sure is hot. I wish we could go some place where it's cool.

Tyrone: Yeah, man. There ain't no place to go. Can't go to the lake, it's too far to walk. Can't go to the swimming pool, it's closed. Ain't nothing to do but sit around and sweat.

Mack: Say, man. Look at that cool cat riding around in that big boat. That sure is s-o-m-e car. If we had something like that, we could go anyplace. Riding around we'd sure keep cool. And, man, would we make it cool with the kids!

Tyrone: Say, that's an idea! Lot of folks leave their big cars around town with the keys in them and the doors unlocked. We'll just borrow one for a little while and take a joy ride.

Narrator: The two boys stroll up and down the streets in the parking lot area surveying the cars.

Mack: Wow! Look at that beauty! The top is down, and the man left his keys in the ignition. He'll probably never even miss it. We'll be back in half an hour.

Tyrone: Play it cool. Get in and we'll take it for a ride.

ACT I, Scene 2

Narrator: Six chairs are arranged (three in front and three in back) to simulate the interior of an automobile. The boys get in the car. Mack starts the motor and they drive off.

Mack: Man, this is living. I'll drive by Walker's pool hall. We'll pick up some of the guys, find some girls and live it up.

Narrator: As they approach the pool hall, some of the boys standing on the corner observe Mack and Tyrone pull up in the Chrysler convertible.

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Freddie: Hey, man! Where did you get that beautiful buggy?

Tyrone and Mack: We just picked it up. Come on in. We'll go for a spin.

Narrator: So Freddie and James get in. They call to Ronald.

James: Hey, Ron. Come on and go for a ride with us.

Ronald: Not me, man. That's a hot car. I don't want any trouble.

Freddie: Aw, come on. Don't be chicken. We're just going for a little ride. We'll bring it back.

Ronald: Okay. But take it easy. Don't speed and bring the cops down on us.

Narrator: They cruise around the neighborhood, passing acquaintances, calling to them and attracting attention. They see someone coming home carrying heavy packages.

Tyrone: Hey, Percy. Come on. We'll give you a lift so you don't have to carry that heavy bunch of packages all the way home.

Percy: I don't know, man. Whose car is that?

Mack: Don't worry. It's my old man's car.

Percy: Okay. You know, I don't want to get in trouble. I'm on probation and I don't want to go back to Charleytown.

Ronald: Let's take this thing on the road and open it up.

Percy: Well, I've got to get home fellows. My old man is waiting for his groceries.

Mack: Oh, your old man can wait. We won't be gone long.

Tyrone: Yeah, forget it.

Narrator: They pull away from the curb with a screeching start and speed down the street.

Freddie: Come on, Mack, step on the gas. Let's see how fast this buggy will go. (Mack accelerates.)

Ronald: Hey, Mack. Take it easy--there's lots of cops cruising around this neighborhood.

Narrator: Mack continues to accelerate. He doesn't slow down at intersections and screeches around turns. A cruising squad car sees the speeding car and begins to chase it.

Tyrone: Hey, the Man is after us--step on the gas, Mack. Let's leave them in the dust.

Percy: Oh, no. You better stop--I told you guys, I don't want to go back to Charleytown. Besides, you might kill someone. There are a lot of kids on the street.

Ronald: Yeah, Mack. Slow down. If I get in trouble, my old lady will skin me.

Mack: Oh--you guys are all chicken--just hang on--I can lose them.

Narrator: Mack screeches around a corner--partially loses control and sideswipes a parked car. He runs up on a curb on the opposite side. No one is injured. A squad car pulls up.

Police: All right, boys, line up! You boys will have to come with us to the station.

Narrator: The officer takes the boys to the station where they talk to a juvenile officer. He contacts each of the boys' parents. They are required to come to the station where they are informed of the charges against their children. The boys are kept in custody. The owner of the car is notified. A juvenile officer investigates the case, visits the boys' homes, gets their school progress reports.

All this information is turned over to a Judge for evaluation. The Judge sets a court date for a hearing with all concerned parties present. This is called an adjudication hearing.

The following scene takes place in the courtroom before a Judge. This scene provides the final disposition of the case.

ACT II, Scene 1: A Courtroom

Narrator: Judge Bosworth enters. The six boys, their parents and the owner of the car (the plaintiff) all stand.

Bailiff: Hear ye, hear ye, the court of the Honorable Judge Bosworth is now in session. All those having business here, draw near.

This case involves six boys on a stolen car charge, your Honor.

Judge: Are all the litigants present?

Bailiff: Tyrone Smith, Freddie Duke, James Corbin, Percy Salinski, Ronald Braddock, Mack Schwartz. (Each boy answers "here" when his name is called.)

Is the complainant present?

Mr. Long: I am.

Judge: Then we will proceed with the facts of the case. Generally we have separate hearings, but the parties agreed to the hearing of this as one action.

You six boys are here on a very serious matter. Charges have been filed against you by Mr. Long, charging that you stole his car and damaged it. I also understand that other charges are pending for reckless driving, improper turns, speeding, and property damage.

These are the charges against you. You have certain rights. You have the right to counsel (a lawyer). If you cannot afford a lawyer to represent you, the court will appoint a public defender, who will advise you on testimony and your right to remain silent and avoid incriminating yourselves. He can cross examine witnesses in your defense. Do you each want me to appoint a public defender for you?

Boys: No, Judge. We want to have the case tried here and now by you.

Judge: Do the parents agree to the waiver of counsel by your sons?

Parents: Yes, we do, your Honor.

Judge: Do you understand then that if you are found guilty of the charges, I will pass sentence on each of you?

Boys: Yes, we do, your Honor.

Judge: (to clerk) May I see the station adjustment sheet referring to these boys? (The Judge ponders over the sheets and turns to Mr. Long.)

Mr. Long, would you please tell the court what happened on the night of August 3, 1967.

Mr. Long: Well, your Honor, at about 8:30 p.m. I parked my car on the east side of Schiller Street, just off Wells. My wife and I were going to Old Town for dinner and sightseeing. About two hours later, we returned to the place where the car had been parked and found it was gone. We called the police and made a report. The

next morning I received a call from the police saying that my car had been recovered. I was told that six boys were joy riding in it and that it had been damaged. I was heartsick when I saw the car. The police told me that these were the boys who were in my car at the time of the arrest.

Judge: You boys heard the testimony. Mack, you were driving the car. Could you tell us how you came to be driving this car? Was it your decision to take it? Did you agree with somebody else, or were you talked into it?

Mack: I really wasn't stealing the car, Judge. It was a hot night, and we just wanted to cool off a bit. We were going to bring it back.

Judge: You're old enough to know the difference between right and wrong. What if the car had been yours and some boys decided to take a ride in it. How would you feel?

Mack: I guess I wouldn't like it.

Judge: What have you got to say for yourself, Tyrone?

Tyrone: Well, like Mack says, we didn't have anything to do, so we went for a ride. Guess that's all, Judge.

Judge: Freddie Duke, James Corbin? What have you got to say?

James: I didn't take the car, Judge. I just went for a ride in it.

Judge: Did you know it wasn't Mack's car? That it was stolen?

James: Yeah. I guess so.

Judge: According to the laws of our state, in accepting that ride you became an accomplice to the crime, and you have also broken the law.

James: Gee! I didn't know that, Judge. I didn't take it.

Judge: Ronald Braddock, what about you? Does the same apply to you?

Ronald: Well, your Honor, I guess I knew it was a hot car, but if I didn't go the guys would call me chicken, and I wouldn't be a part of the gang any more.

Judge: Well, Ronald, I hope you realize that by preferring not to be called chicken you leave yourself open to more serious trouble and punishment. Next time, if I were you, I'd rather be called chicken.

Judge: Percy, I see by this report before me that you are on probation. Do you realize that you violated probation? What do you have to say for yourself?

Percy: I realize, Judge, that I am on probation and I don't want any more trouble. I kind of thought these cats stole the car and I didn't want to get in, but they kind of coaxed me. I even asked them if it was "hot," but they said "no" and said it was Mack's father's car. So, I believed them and got in. Honest, Judge, I didn't want any trouble.

Judge: Is what Percy says true?

Boys: Yes, Judge. That's right. We didn't tell him because we knew that he wouldn't get in the car if we did.

Judge: Mrs. Schwartz, is there anything you'd like to tell us? Has your boy been in trouble before?

Mrs. Schwartz: Well, your Honor, I try my best to teach him the right thing to do. I have many small children at home and I can't go chasing Mack all over town. He just doesn't listen to me anymore. He hangs around with those bad boys. He even sasses me sometimes. I just can't do anything with him.

Judge: I see. Mrs. Duke, is there anything you'd like to say?

Mrs. Duke: I just don't understand children today. They have no respect. They're always fussing and fighting. They don't listen to the police, parents or teachers. I don't know what the world is coming to.

Judge: Mrs. Corbin?

Mrs. Corbin: I just don't understand it, Judge. Mr. Corbin and I work so hard. We try to keep him dressed nicely, to give him spending money, to teach him the right things. I just don't understand.

Judge: Mrs. Salinski, do you have anything to say?

Mrs. Salinski: Your Honor, I know Percy's been in trouble before and that he spent six months at St. Charles, but he's really trying hard not to go back. He's been such a good boy. He sees his probation officer once a week. The Reverend from our church has been working with him. And, Percy has been helping him out at the church. Percy is a leader at day camp at the community house. He has a job with the Neighborhood Youth Corps. He gets good grades at school and doesn't cause any trouble there. It's the fault of those other boys. He wouldn't

have got in the car it he'd known it was stolen. Please don't send him back. He's really a good boy!

Judge: After hearing the testimony of Mr. Long, the boys involved, and their parents, I will state that technically all the boys share in the responsibility of the auto theft. But this court is fair. It understands that there are varying degrees of guilt. We do not approve of any one taking the property of another person, even if, as stated by the defendants, their purpose was not to steal it, but merely to take it for a ride. We all have a responsibility to respect the property of others, just as we have the right to have our property protected by law. In dealing with these cases, the court considers many things; past behavior, school attendance and achievement, home background, sincerity of the boys, and so forth.

Mack Schwartz, this is not the first time you have committed an offense. You have taken an auto before. Apparently you have not benefited from you first experience with the court, therefore, I think it is necessary to send you to the Illinois Youth Commission at St. Charles, Illinois, for a period of six months.

Tyrone Smith, your past record indicates that you have not been involved in any prior serious misdemeanors; therefore, I place you on one year's probation. But let me warn you that if I should see you before this court again, you will be allowed no leniency. You will be sent to the Illinois Youth Commission.

Percy Salinski, you were on probation, and this court could have you picked up by your probation officer and taken back to St. Charles to finish out the length of your probation. However, your testimony and that of the other boys tend to support your story that you not only had not knowledge but went further and even questioned your friends about the car to avoid trouble. You are discharged with the reminder to be very careful when dealing with your friends. I am glad to see your behavior is improving.

Freddie Duke, James Corbin, and Ronald Braddock, this court is placing you under probation. Your parents are responsible for your good behavior. If you refuse to abide by their rules, or if you get into any other serious trouble with the law, you will be given the same punishment as other violators of probation. In addition, to impress your responsibility for the rights of others on you, you must pay Mr. Long $50.00 each for the damage to his car. This money will not come from your parents, but from earnings from any type of work

you may undertake. Maybe in the future when you own a car, you will remember this.

Mr. Long, unfortunately this court can do no more than admonish you for your carelessness. In a sense, you have contributed to the theft of your auto by not locking your car and leaving the keys in the ignition. You just extended an invitation to trouble. Next case.

QUESTIONS FOR DISCUSSION

1. Why did Mack receive a more serous punishment than the other boys?
2. What does the law say about going for a ride in a stolen car?
3. Should all the boys have been given the same punishment? Why?
4. Do you agree with the Judge's decision? Why?
5. How would your parents react if you were caught riding in a stolen car?
6. Why did Percy have to be a little more careful in everything he did, more so than the others?
7. Do you think that Percy could get into serious trouble even though he was completely innocent?
8. Should parents be held responsible for the actions of their children?
9. Should they have to pay for damage done by their children?
10. In what ways can children be taught respect for the law and the rights of others?

SECTION V

ACTIVITIES FOR UNDERSTANDING COURT-RELATED TERMS

TO THE TEACHER

Daily newspapers provide an excellent resource for creating awareness of court related activity in the community.

The two activities which follow may be adapted to suit your class. MARK THE WORD requires little advance preparation.

THE NEWSPAPER SAYS...student activity page which follows may be reproduced. Each teacher will decide how many articles should be required in each category.

MARK THE WORD

Ask students to bring newspapers to class. The date of the newspaper is unimportant. Have extra copies available for students who cannot bring their own. Instruct students to:

* scan the paper for law/court related news.
* draw a red line under or circle around terms which you indicate. You can use various categories of terms at different times.
* Some suggested categories: criminal charges, courts, law-related occupations.

THE NEWSPAPER SAYS...encourages students to:

1. differentiate between criminal, civil, and juvenile law.
2. associate types of offenses with the proper court.
3. classify offenses.
4. consider the relationship of the penalty to the nature of the offense.
5. determine route of possible appeal (this information probably will not be contained in the article, but will depend upon students' general knowledge).

THE NEWSPAPER SAYS...

Collect newspaper articles dealing with criminal, civil and juvenile arrests and court actions.

Mount each article on a separate sheet of paper. On the same page, give the following information about each article:

1. kind of law involved (criminal, civil, or juvenile)
2. jurisdiction (in what court was or will this case be heard)
3. charge
4. verdict, if stated
5. penalty, if stated
6. name and date of newspaper in which the article appeared

Fasten all completed pages together to make a booklet. Group articles dealing with criminal law together, articles dealing with civil law together, and articles dealing with juvenile law together. Make an appropriate cover for your booklet. Your booklet should contain: __articles on criminal law, __articles on civil law, and __articles on juvenile law. A completed page may look like this:

2nd man guilty in slaying case

A jury deliberated nearly seven hours Wednesday before returning a guilty verdict against one of three men accused in last year's shotgun slaying of Larry F. Russell, 31.

Thomas A. Rogers will be sentenced in early June, Judge William Page said after the jury foreman announced the verdict.

One of Rogers' alleged accomplices, William "Bud" Barr, was sentenced to life without parole last Friday.

The other suspect, Eddie Lang, has yet to come to trial.

Testimony at the earlier trial indicated the three men kicked down doors to Russell's house on Andrios Drive, pulled him from a closet and shot him as he lay face down in a fetal position.

A homicide detective testified at the time that all three had admitted participating in the incident, but none admitted pulling the trigger.

The incident apparently grew out of a fist fight between Rogers and Russell and the fact that Lang's estranged wife was living with Russell, testimony indicated.

1. Criminal Law
2. Circuit Court
3. Murder
4. Guilty
5. Sentence will be set in June
6. Huntsville Times April 15, 1981

IT'S THE LAW IN ALABAMA

TO THE TEACHER

The following activity may be used as a pre-assessment and/or a post-assessment. It is designed to help students recognize words that are used in criminal procedure. It may be reproduced as is.

ANSWER KEY

1. manslaughter
2. perjury
3. embezzlement
4. arson
5. slander
6. blackmail
7. battery
8. forgery
9. usury
10. subpoena
11. libel
12. assault
13. contempt of court
14. bigamy
15. fraud
16. hazzing (new crime by recent legislative act)
17. trespass

IT'S THE LAW IN ALABAMA

Directions: Fill in each blank with a term from the following group of words. Each term is used only once.

1. arson	7. embezzlement	13. perjury
2. assault	8. fraud	14. slander
3. battery	9. forgery	15. subpoena
4. bigamy	10. hazzing	16. trespass
5. blackmail	11. libel	17. usury
6. comtempt of court	12. manslaughter	

1. If, because of your reckless conduct you kill someone, it is _____.

2. When you deliberately falsify evidence in court under oath, you commit_____.

3. A fiduciary relationship exists between my boss and me. Relying on this relationship he entrusts property to me which I later convert to my own use. I am guilty of_____.

4. If Sam burns down his house in order to collect the insurance proceeds, he is guilty of_____.

5. Penelope told Sue and Tom that Bertha stole her diamond ring. If this is not true, Penelope may be charged with_____.

6. Alex said if I didn't give him $100, he would tell my parents that I skipped class every day last week. That's_____.

7. You threw that rock and deliberately hit me. I'll have you arrested for_____.

8. Tom Miller found a check made payable to James Moore. Tom endorsed the check by signing "James Moore" and cashed it at the First Fool Bank downtown. Tom has committed_____.

9. The Sharke Loan Co. charges a daily rate of interest of 50% on the face amount of their loans. This amounts to_____.

10. George was served by the sheriff with an official document which said he was to appear in court as a witness. This document is called a_____.

11. Ed published an article about cruelty to animals. In his article he identified Joe Blow as one of the foremost "pig haters" of our decade. He can be charged with_____.

12. Harry and Bob were in a heated argument. Bob picked up a tire-tool and would have hit Harry except that a teacher stopped him. Bob's action constitutes_____.

13. John staggers into the courtroom drunk. He proceeds to yell at the state's star witness. The judge can fine him for _____.

14. Mr. Pennypacker married Dolly Dollar on Friday and Cindy Cents on Saturday. He is guilty of_____.

15. Randy sold me a diamond ring for a hundred dollars which turned out to be glass. He has committed_____.

16. As a part of initiation, the SC sorority requires its pledges to skate to school in their pajamas and eat raw eggs at the weekly assembly. This is_____and classified under the new criminal code as a class C misdemeanor.

17. Bret ignores a "keep out" notice he sees posted on Farmer Brown's land and enters to fish in his lake. He is guilty of _____.

BULLETIN BOARD CONCENTRATION GAME

TO THE TEACHER

This game is an adaptation of the commercially produced game.

Cover a bulletin board with white paper. Draw a very large square, then divide the square into 30 smaller squares. In each square, a legal term should be printed. (Sample game board is included in packet.) There must be matches for each term, so if there are 15 original terms, there should be at least 10 like terms and 5 wild cards. The variations are at your discretion.

After the terms are placed in the squares, a cover tab should be placed (thumb tacked or stapled) over each square. The cover tabs should be numbered 1 to 30, left to right.

PLAYING THE GAME

One or two students must be recruited to stand at the board and lift (or remove, if matched) the tabs as the numbers are called. Should terms be matched (wild cards match anything) the tabs are removed and the student continues to call numbers until he fails to make a match. Should the student uncover 2 wild cards, he then is allowed to call two other numbers for matches and allowed to continue until no match is made. Play continues until all tabs have been removed. The student who has made the most matches is the winner. Scoring is left to the teacher.

VARIATIONS

Place short definitions of legal terms in squares and match terms to definitions. Or, match offenses to the kind of crime. For example, Rape--a felony; skipping school--status offense.

1* RAPE**	2 MAN-SLAUGHTER	3 SMUGGLING	4 SMUGGLING	5 WILD CARD	6 KID-NAPPING
7 SKIPPING SCHOOL	8 ARSON	9 BIGAMY	10 BLACKMAIL	11 ARMED ROBBERY	12 KID-NAPPING
13 ARSON	14 BURGLARY	15 ARMED ROBBERY	16 LIBEL	17 SKIPPING SCHOOL	18 RAPE
19 CHILD ABUSE	20 BURGLARY	21 CHILD ABUSE	22 WILD CARD	23 MAN-SLAUGHTER	24 LIBEL
25 WILD CARD	26 BIGAMY	27 BLACKMAIL	28 ILLEGAL DRUGS	29 WILD CARD	30 ILLEGAL DRUGS

*Numbers on the cover tabs.
**Terms on the covered bulletin board.

LEGAL LINGO* INSTRUCTIONS

TO THE TEACHER

Legal Lingo is an interesting way to evaluate how well students have mastered a set of facts about state government. The facts used in this game are basic to the executive, legislative and judicial branches of government.

MATERIALS NEEDED

* masters for making 34 Legal Lingo cards, 49 calling cards, and 1 master card (all of these are provided with these instructions.
* lightweight posterboard - enough to use as backing for Legal Lingo cards, calling cards, and the master card
* glue
* laminating material for the cards, if desired
* markers (anything available - beans, paper, etc.)

SPECIAL NOTE

You will need to write in the name of your county on the Master Card as well as some numbers on it and the playing cards. See asterisks on Master Card and on each playing card.

PROCEDURE FOR CONSTRUCTING THE GAME

* glue all cards to posterboard
* laminate, if desired
* trim as needed

RULES FOR PLAYING

* Distribute Legal Lingo cards and markers
* Shuffle calling cards
* Caller draws calling cards one at a time and says, "N - Serves six year staggered terms." (Example)
* Student will cover the word "Justices," if it appears under N on his card.
* Caller places card just called on master board for later verification of "Legal Lingo."

* Game continues until a student has covered 5 squares (vertically, horizontally, or diagonally) and calls out "Legal Lingo!"

* Caller checks to verify that the Legal Lingo is valid.

* Boards are cleared, all calling cards are re-shuffled and play resumes.

*Legal Lingo was designed by Mrs. Bobbie Taylo, Johnson High School, Huntsville, Alabama.

MASTER CARD

LEGAL				
L	I	N	G	O
1 ALABAMA SUPREME COURT	11 HOUSE OF REPRESENTATIVES	21 SPECIAL SESSIONS	30 COURT OF APPEALS	40 CIRCUIT COURT JUDGES
2 LIEUTENANT GOVERNOR	12 COUNTIES	22 QUOROM	31 4 YEARS	41 39
3 STATE CONSTITUTITION	13 ANNUALLY	23 EXPULSION	32 2 APPELLATE COURTS	42** _____
4 ATTORNEY GENERAL	14 30 YEARS OLD	24 21 YEARS OLD	33 5 JUDGES	43*** __JUDGES
5 ALABAMA SENATE	15 HONORARY STAFF	25 PRESIDENT PRO TEMPORE	34 COURT OF CIVIL APPEALS	44 POPULAR ELECTION
6 LURLEEN WALLACE	16 25 YEARS OLD	26 SPEAKER	35 SUPERNUMERARY JUDGES	45 IMPEACHMENT
7 STATE CAPITOL	17 SECRETARY OF STATE	27 REVENUE	36 CLERK OF SUPREME COURT	46 GOVERNOR'S PLEASURE
8 GOVERNOR	18 STATE AUDITOR	28 JUSTICES	37 GENERAL	47 GOVERNOR'S STAFF
9 ALABAMA LEGISLATURE	19 STATE TREASURER	29 FIRST MONDAY IN OCTOBER THRU JUNE 30th	38 GENERAL TRIAL COURTS	48 REPRESENTS THE STATE AT BOARD OF EDUCATION MEETINGS
10 ALABAMA	20 DIRECTOR OF FINANCE		39 CIRCUIT COURTS	49 CONSTITUTIONAL OFFICER

**Supply your circuit number

***Supply the no. of judges in your circuit

CALLING CARDS FOR LEGAL LINGO

L Chief Justice & 8 Assoc. Justices Alabama Supreme Court 1	L Presides over Senate Lieutenant Governor 2	L Created in its present form in 1901 State Constitution 3
L Renders Advisory Opinions Attorney General 4	L 35 Members Alabama Senate 5	L Female Governor Lurleen Wallace 6
L Montgomery State Capitol 7	L Chief Executive of the State Governor 8	L 140 Members Alabama Legislature 9
L 22nd State Alabama 10	I 105 Members House of Representatives 11	I 67 Counties 12

CALLING CARDS FOR LEGAL LINGO

I	I	I
Legislature meets how often	Age requirement of the Governor	1 Colonel & as many Lt. Colonels as the Governor deems necessary
Annually	30 years old	Honorary Staff
13	14	15

I	I	I
Age requirement of the Attorney General	Has custody of the Great Seal of Alabama	Responsible for the accounts & records of the state
25 years old	Secretary of State	State Auditor
16	17	18

I	I	N
Custody of all state funds; payment of state debt	Chief financial officer of the state	12 Legislative days; 30 calendar days
State Treasurer	Director of Finance	Special Sessions
19	20	21

N	N	N
Majority of each House	A Senator removed	Age requirement of State Representatives
Quorum	Expulsion	21 years old
22	23	24

CALLING CARDS FOR LEGAL LINGO

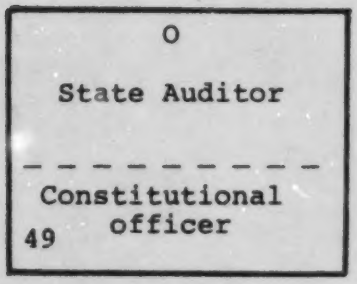
N Presides over Senate in absence of Lt. Governor --- President Pro Tempore 25	N Presides over House of Representatives --- Speaker 26	N House of Representatives originates these bills --- Revenue 27
N Serves 6 year staggered terms --- Justices 28	N Regular term of the Supreme Court --- First Mon. in Oct. through June 30 29	G Established in 1911 --- Court of Appeals 30
G Governor's and Legislator's terms --- 4 years 31	G Established in 1969 --- 2 Appellate Courts 32	G Composition of the Court of Criminal Appeals --- 5 Judges 33
G Exclusive appellate jurisdiction of suits not exceeding $10,000 --- Court of Civil Appeals 34	G Serve on State Courts at request of Chief Justice or Governor --- Supernumerary Judges 35	G Assists Justices --- Clerk of Supreme Court 36

CALLING CARDS FOR LEGAL LINGO

G Most annual appropriations come from this fund General 37	G Circuits Courts operate as . . . General Trial Courts 38	G Hear cases of law and inequity Circuit Courts 39
O Must reside in judicial circuit while holding office Circuit Court Judges 40	O Number of judicial circuits in Alabama 39 41	O _____ County* is in the _____ Circuit _____** 42
O Number of judges in this circuit _____*** 43	O The Governor is selected by . . . Popular election 44	O The removal of a governor from office Impeachment 45
O Term of office of the Director of Finance Governor's pleasure 46	O Consists of legal, administrative, public relations, & house-keeping units Governor's staff 47	O Attorney General Represents the State at Board of Edu. meetings 48

* Supply your county's name
** Supply your circuit number
*** Supply the number of judges in your circuit

CALLING CARDS FOR LEGAL LINGO



LEGAL				
L	I	N	G	O
ALABAMA SUPREME COURT	HOUSE OF REPRESEN-TATIVES	SPECIAL SESSIONS	4 YEARS	
STATE CONSTITU-TION	ANNUALLY	EXPULSION	5 JUDGES	*** __JUDGES
ALABAMA SENATE	HONORARY STAFF	Free	SUPERNU-MERARY JUDGES	IMPEACH-MENT
STATE CAPITOL	SECRETARY OF STATE	PRESIDENT PRO TEMPORE	GENERAL	GOVERNOR'S STAFF
ALABAMA LEGISLA-TURE	STATE TREASURER	REVENUE	CIRCUIT COURTS	CONSTITU-TIONAL OFFICER

**Supply your circuit number.
***Supply the number of judges in your circuit.

LEGAL				
L	I	N	G	O
GOVERNOR	HONORARY STAFF	EXPULSION	COURT OF CIVIL APPEALS	39
ALABAMA	DIRECTOR OF FINANCE	REVENUE	5 JUDGES	____**
ALABAMA SUPREME COURT	ANNUALLY	Free	2 APPELLATE COURTS	POPULAR ELECTION
LURLEEN WALLACE	HOUSE OF REPRESEN-TATIVES	SPECIAL SESSIONS	4 YEARS	GOVERNOR'S STAFF
ATTORNEY GENERAL	SECRETARY OF STATE	FIRST MON-DAY IN OCTOBER THRU JUNE 30th	GENERAL	IMPEACH-MENT

LEGAL				
L	I	N	G	O
ALABAMA SENATE	HONORARY STAFF	PRESIDENT PRO TEMPORE	CIRCUIT COURTS	POPULAR ELECTION
ATTORNEY GENERAL	25 YEARS OLD	21 YEARS OLD	GENERAL TRIAL COURTS	*** ___JUDGES
STATE CONSTITU-TION	SECRETARY OF STATE	Free	GENERAL	____**
LIEUTENANT GOVERNOR	STATE AUDITOR	EXPULSION	CLERK OF SUPREME COURT	39
ALABAMA SUPREME COURT	STATE TREASURER	QUOROM	SUPERNU-MERARY JUDGES	CIRCUIT COURT JUDGES

LEGAL				
L	I	N	G	O
LIEUTENANT GOVERNOR	30 YEARS OLD	JUSTICES	COURT OF APPEALS	*** ___JUDGES
LURLEEN WALLACE	25 YEARS OLD	QUOROM	GENERAL	CIRCUIT COURT JUDGES
ALABAMA SUPREME COURT	STATE AUDITOR	Free	SUPERNU-MERARY JUDGES	CONSTI-TUTIONAL OFFICER
ALABAMA SENATE	HOUSE OF REPRESEN-TATIVES	PRESIDENT PRO TEMPORE	GENERAL TRIAL COURTS	IMPEACH-MENT
ALABAMA LEGISLA-TURE	STATE TREASURER	EXPULSION	4 YEARS	GOVERNOR'S PLEASURE

**Supply your circuit number.
***Supply the number of judges in your circuit.

LEGAL				
L	I	N	G	O
LURLEEN WALLACE	25 YEARS OLD	SPECIAL SESSIONS	5 JUDGES	39
STATE CONSTITUTION	HOUSE OF REPRESENTATIVES	REVENUE	GENERAL	GOVERNOR'S STAFF
ALABAMA SUPREME COURT	HONORARY STAFF	Free	COURT OF CIVIL APPEALS	POPULAR ELECTION
ATTORNEY GENERAL	DIRECTOR OF FINANCE	EXPULSION	GENERAL TRIAL COURTS	GOVERNOR'S PLEASURE
ALABAMA	ANNUALLY	21 YEARS OLD	COURT OF APPEALS	____**

LEGAL				
L	I	N	G	O
ALABAMA SUPREME COURT	HOUSE OF REPRESENTATIVES	SPEAKER	COURT OF APPEALS	GOVERNOR'S PLEASURE
STATE CONSTITUTION	ANNUALLY	21 YEARS OLD	2 APPELLATE COURTS	IMPEACHMENT
ATTORNEY GENERAL	30 YEARS OLD	Free	5 JUDGES	***__ JUDGES
LURLEEN WALLACE	25 YEARS OLD	EXPULSION	SUPER-NUMERARY JUDGES	____**
STATE CAPITOL	SECRETARY OF STATE	SPECIAL SESSIONS	CLERK OF SUPREME COURT	CIRCUIT COURT JUDGES

**Supply your circuit number.
***Supply the number of judges in your circuit.

LEGAL				
L	I	N	G	O
LIEUTENANT GOVERNOR	STATE AUDITOR	FIRST MONDAY IN OCTOBER THRU JUNE 30th	COURT OF CIVIL APPEALS	POPULAR ELECTION
STATE CONSTITU-TION	30 YEARS OLD	SPEAKER	GENERAL TRIAL COURTS	IMPEACH-MENT
LURLEEN WALLACE	STATE TREASURER	Free	2 APPELLATE COURTS	39
ALABAMA SUPREME COURT	HONORARY STAFF	QUOROM	CLERK OF SUPREME COURT	GOVERNOR'S PLEASURE
ALABAMA SENATE	HOUSE OF REPRESEN-TATIVES	JUSTICES	CIRCUIT COURTS	*** ___JUDGES

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LEGAL				
L	I	N	G	O
ATTORNEY GENERAL	HOUSE OF REPRESEN-TATIVES	JUSTICES	CIRCUIT COURTS	IMPEACH-MENT
LURLEEN WALLCE	STATE TREASURER	21 YEARS OLD	2 APPELLATE COURTS	CONSTITU-TIONAL OFFICER
LIEUTENANT GOVERNOR	HONORARY STAFF	Free	SUPERNU-MERARY JUDGES	GOVERNOR'S PLEASURE
ALABAMA SUPREME COURT	SECRETARY OF STATE	QUOROM	CLERK OF SUPREME COURT	CIRCUIT COURT JUDGES
ALABAMA LEGISLA-TURE	COUNTIES	EXPULSION	4 YEARS	____**

**Supply your circuit number
***Supply the number of judges in your circuit.

LEGAL				
L	I	N	G	O
ALABAMA SENATE	30 YEARS OLD	PRESIDENT PRO TEMPORE	2 APPELLATE COURTS	CIRCUIT COURT JUDGES
ALABAMA	HONORARY STAFF	FIRST MONDAY IN OCTOBER THRU JUNE 30th	CIRCUIT COURTS	CONSTITUTIONAL OFFICER
ALABAMA LEGISLATURE	COUNTIES	Free	CLERK OF SUPREME COURT	____**
STATE CAPITOL	STATE TREASURER	JUSTICES	SUPERNUMERARY JUDGES	IMPEACHMENT
GOVERNOR	25 YEARS OLD	QUOROM	GENERAL TRIAL COURTS	REPRESENTS THE STATE AT BOARD OF EDUCATION MEETINGS

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LEGAL				
L	I	N	G	O
ALABAMA SUPREME COURT	HOUSE OF REPRESENTATIVES	SPECIAL SESSIONS	COURT OF APPEALS	CIRCUIT COURT JUDGES
LIEUTENANT GOVERNOR	COUNTIES	QUOROM	4 YEARS	39
ATTORNEY GENERAL	30 YEARS OLD	Free	5 JUDGES	*** ___JUDGES
ALABAMA SENATE	HONORARY STAFF	21 YEARS OLD	COURT OF CIVIL APPEALS	POPULAR ELECTION
STATE CAPITOL	SECRETARY OF STATE	PRESIDENT PRO TEMPORE	CLERK OF SUPREME COURT	GOVERNOR'S PLEASURE

**Supply your circuit number.
***Supply the number of judges in your circuit.

LEGAL LINGO

L	I	N	G	O
GOVERNOR	SECRETARY OF STATE	REVENUE	5 JUDGES	GOVERNOR'S PLEASURE
STATE CONSTITUTION	COUNTIES	FIRST MONDAY IN OCTOBER THRU JUNE 30th	COURT OF APPEALS	GOVERNOR'S STAFF
ALABAMA SENATE	ANNUALLY	Free	SUPERNUMERARY JUDGES	*** __JUDGES
STATE CAPITOL	STATE AUDITOR	SPECIAL SESSIONS	GENERAL	CONSTITUTIONAL OFFICER
LIEUTENANT GOVERNOR	DIRECTOR OF FINANCE	SPEAKER	2 APPELLATE COURTS	CIRCUIT COURT JUDGES

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LEGAL LINGO

L	I	N	G	O
LIEUTENANT GOVERNOR	COUNTIES	QUOROM	COURT OF APPEALS	CIRCUIT COURT JUDGES
ATTORNEY GENERAL	30 YEARS OLD	21 YEARS OLD	2 APPELLATE COURTS	____**
LURLEEN WALLACE	25 YEARS OLD	Free	COURT OF CIVIL APPEALS	POPULAR ELECTION
GOVERNOR	STATE AUDITOR	SPEAKER	CLERK OF SUPREME COURT	GOVERNOR'S PLEASURE
ALABAMA	DIRECTOR OF FINANCE	JUSTICES	GENERAL TRIAL COURTS	REPRESENTS THE STATE AT BOARD OF EDUCATION MEETINGS

**Supply your circuit number.
***Supply the number of judges in your circuit.

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LEGAL

L	I	N	G	O
ATTORNEY GENERAL	COUNTIES	SPECIAL SESSIONS	GENERAL	____**
STATE CAPITOL	DIRECTOR OF FINANCE	PRESIDENT PRO TEMPORE	5 JUDGES	POPULAR ELECTION
ALABAMA LEGISLATURE	HONORARY STAFF	Free	COURT OF CIVIL APPEALS	CIRCUIT COURT JUDGES
GOVERNOR	STATE AUDITOR	REVENUE	4 YEARS	REPRESENTS THE STATE AT BOARD OF EDUCATION MEETINGS
ALABAMA	30 YEARS OLD	SPEAKER	COURT OF APPEALS	GOVERNOR'S STAFF

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LEGAL

L	I	N	G	O
STATE CONSTITUTION	ANNUALLY	FIRST MONDAY IN OCTOBER THRU JUNE 30th	2 APPELLATE COURTS	IMPEACHMENT
ALABAMA SENATE	DIRECTOR OF FINANCE	REVENUE	COURT OF APPEALS	REPRESENTS THE STATE AT BOARD OF EDUCATION MEETINGS
LIEUTENANT GOVERNOR	COUNTIES	Free	SUPERNUMERARY JUDGES	*** ___JUDGES
ALABAMA LEGISLATURE	SECRETARY OF STATE	SPECIAL SESSIONS	GENERAL	CIRCUIT COURT JUDGES
STATE CAPITOL	25 YEARS OLD	21 YEARS OLD	4 YEARS	CONSTITUTIONAL OFFICER

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**Supply your circuit number.
***Supply the number of judges in your circuit.

LEGAL				
L	I	N	G	O
GOVERNOR	ANNUALLY	JUSTICES	COURT OF APPEALS	CIRCUIT COURT JUDGES
LIEUTENANT GOVERNOR	STATE AUDITOR	QUOROM	CLERK OF SUPREME COURT	POPULAR ELECTION
ATTORNEY GENERAL	25 YEARS OLD	Free	SUPERNU-MERARY JUDGES	GOVERNOR'S PLEASURE
STATE CONSTITU-TION	HOUSE OF REPRESEN-TATIVES	FIRST MON-DAY IN OCTOBER THRU JUNE 30th	COURT OF CIVIL APPEALS	____**
ALABAMA SUPREME COURT	STATE TREASURER	SPEAKER	GENERAL TRIAL COURTS	IMPEACH-MENT

**Supply your circuit number.

LEGAL				
L	I	N	G	O
LIEUTENANT GOVERNOR	ANNUALLY	21 YEARS OLD	COURT OF CIVIL APPEALS	IMPEACH-MENT
GOVERNOR	STATE TREASURER	JUSTICES	CIRCUIT COURTS	CONSTITU-TIONAL OFFICER
ALABAMA SUPREME COURT	STATE AUDITOR	Free	SUPERNU-MERARY JUDGES	CIRCUIT COURT JUDGES
LURLEEN WALLACE	HONORARY STAFF	PRESIDENT PRO TEMPORE	5 JUDGES	GOVERNOR'S PLEASURE
ATTORNEY GENERAL	HOUSE OF REPRESEN-TATIVES	QUOROM	CLERK OF SUPREME COURT	REPRESENTS STATE AT BOARD OF EDUCATION MEETINGS

LEGAL				
L	I	N	G	O
STATE CONSTITUTION	STATE AUDITOR	FIRST MONDAY IN OCTOBER THRU JUNE 30th	4 YEARS	REPRESENTS THE STATE AT BOARD OF EDUCATION MEETINGS
ALABAMA	30 YEARS OLD	QUOROM	SUPERNUMERARY JUDGES	CIRCUIT COURT JUDGES
ALABAMA LEGISLATURE	STATE TREASURER	Free	COURT OF APPEALS	____**
ALABAMA SENATE	HONORARY STAFF	JUSTICES	CLERK OF SUPREME COURT	POPULAR ELECTION
STATE CAPITOL	COUNTIES	EXPULSION	2 APPELLATE COURTS	IMPEACHMENT

**Supply your circuit number.

LEGAL				
L	I	N	G	O
LIEUTENANT GOVERNOR	HONORARY STAFF	FIRST MONDAY IN OCTOBER THRU JUNE 30th	SUPERNUMERARY JUDGES	CIRCUIT COURT JUDGES
ATTORNEY GENERAL	25 YEARS OLD	21 YEARS OLD	COURT OF APPEALS	GOVERNOR'S STAFF
LURLEEN WALLACE	HOUSE OF REPRESENTATIVES	Free	CLERK OF SUPREME COURT	____**
STATE CONSTITUTION	ANNUALLY	JUSTICES	GENERAL TRIAL COURTS	IMPEACHMENT
ALABAMA SUPREME COURT	STATE TREASURER	QUOROM	5 JUDGES	GOVERNOR'S PLEASURE

LEGAL				
L	I	N	G	O
GOVERNOR	SECRETARY OF STATE	PRESIDENT PRO TEMPORE	GENERAL	GOVERNOR'S PLEASURE
ATTORNEY GENERAL	COUNTIES	REVENUE	GENERAL TRIAL COURTS	39
ALABAMA	DIRECTOR OF FINANCE	Free	4 YEARS	____**
STATE CAPITOL	30 YEARS OLD	QUORUM	COURT OF APPEALS	POPULAR ELECTION
STATE CONSTI-TUTION	STATE AUDITOR	EXPULSION	COURT OF CIVIL APPEALS	REPRESENTS THE STATE AT BOARD OF EDUCATION MEETINGS

**Supply your circuit number.

LEGAL				
L	I	N	G	O
ALABAMA SUPREME COURT	ANNUALLY	QUORUM	CIRCUIT COURTS	____**
GOVERNOR	HOUSE OF REPRESEN-TATIVES	PRESIDENT PRO TEMPORE	SUPER-NUMERARY JUDGES	CONSTITU-TIONAL OFFICER
ALABAMA LEGISLA-TURE	STATE TREASURER	Free	CLERK OF SUPREME COURT	GOVERNOR'S PLEASURE
ATTORNEY GENERAL	STATE AUDITOR	JUSTICES	GENERAL TRIAL COURTS	CIRCUIT COURT JUDGES
LIEUTENANT GOVERNOR	SECRETARY OF STATE	21 YEARS OLD	5 JUDGES	GOVERNOR'S STAFF

LEGAL				
L	I	N	G	O
STATE CONSTITU-TION	STATE TREASURER	JUSTICES	2 APPELLATE COURTS	REPRE-SENTS THE STATE AT BOARD OF EDUCATION MEETINGS
LURLEEN WALLACE	SECRETARY OF STATE	PRESIDENT PRO TEMPORE	CLERK OF SUPREME COURT	GOVERNOR'S STAFF
ATTORNEY GENERAL	COUNTIES	Free	GENERAL TRIAL COURTS	CIRCUIT COURT JUDGES
ALABAMA	30 YEARS OLD	QUOROM	SUPERNU-MERARY JUDGES	____**
STATE CAPITOL	HONORARY STAFF	21 YEARS OLD	COURT OF APPEALS	POPULAR ELECTION

**Supply your circuit number.

LEGAL				
L	I	N	G	O
ALABAMA	30 YEARS OLD	SPECIAL SESSIONS	2 APPELLATE COURTS	REPRE-SENTS THE STATE AT BOARD OF EDUCATION MEETINGS
STATE CONSTITU-TION	SECRETARY OF STATE	EXPULSION	GENERAL	39
STATE CAPITOL	25 YEARS OLD	Free	COURT OF APPEALS	POPULAR ELECTION
LURLEEN WALLACE	DIRECTOR OF FINANCE	REVENUE	COURT OF CIVIL APPEALS	____**
ALABAMA SENATE	COUNTIES	SPEAKER	4 YEARS	IMPEACH-MENT

LEGAL				
L	I	N	G	O
ALABAMA SUPREME COURT	HOUSE OF REPRESEN-TATIVES	21 YEARS OLD	COURT OF CIVIL APPEALS	REPRESENTS THE STATE AT BOARD OF EDUCA-TION MEETINGS
ALABAMA	DIRECTOR OF FINANCE	SPECIAL SESSIONS	GENERAL	*** ___JUDGES
ATTORNEY GENERAL	ANNUALLLY	Free	CIRCUIT COURTS	CIRCUIT COURT JUDGES
LURLEEN WALLACE	25 YEARS OLD	PRESIDENT PRO TEMPORE	2 APPELLATE COURTS	CONSTITU-TIONAL OFFICER
ALABAMA LEGISLA-TURE	STATE AUDITOR	REVENUE	COURT OF APPEALS	IMPEACH-MENT

149

***Supply the number of judges in your circuit.

LEGAL				
L	I	N	G	O
LURLEEN WALLACE	STATE TREASURER	EXPULSION	5 JUDGES	GOVERNOR'S STAFF
LIEUTENANT GOVERNOR	SECRETARY OF STATE	QUOROM	GENERAL TRIAL COURTS	*** ___JUDGES
ALABAMA SUPREME COURT	HOUSE OF REPRESEN-TATIVES	Free	COURT OF CIVIL APPEALS	POPULAR ELECTION
GOVERNOR	STATE AUDITOR	FIRST MON-DAY IN OCTOBER THRU JUNE 30th	CIRCUIT COURTS	39
ALABAMA SENATE	30 YEARS OLD	JUSTICES	CLERK OF SUPREME COURT	GOVERNOR'S PLEASURE

LEGAL				
L	I	N	G	O
ATTORNEY GENERAL	COUNTIES	PRESIDENT PRO TEMPORE	4 YEARS	*** ___JUDGES
STATE CAPITOL	25 YEARS OLD	SPECIAL SESSIONS	COURT OF CIVIL APPEALS	IMPEACH-MENT
ALABAMA	HONORARY STAFF	Free	___JUDGES	GOVERNOR'S PLEASURE
LURLEEN WALLACE	30 YEARS OLD	SPEAKER	GENERAL	CONSTITU-TIONAL OFFICER
ALABAMA LEGISLA-TURE	DIRECTOR OF FINANCE	REVENUE	CIRCUIT COURTS	39

***Supply the number of judges in your circuit.

LEGAL				
L	I	N	G	O
ALABAMA	DIRECTOR OF FINANCE	SPEAKER	COURT OF CIVIL APPEALS	CONSTITU-TIONAL OFFICER
ALABAMA LEGISLA-TURE	30 YEARS OLD	REVENUE	5 JUDGES	REPRESENTS THE STATE AT BOARD OF EDUCA-TION MEETINGS
GOVERNOR	ANNUALLY	Free	2 APPELLATE COURTS	GOVERNOR'S STAFF
STATE CAPITOL	COUNTIES	JUSTICES	4 YEARS	GOVERNOR'S PLEASURE
LURLEEN WALLACE	HOUSE OF REPRESEN-TATIVES	FIRST MON-DAY IN OCTOBER THRU JUNE 30th	COURT OF APPEALS	IMPEACH-MENT

LEGAL				
L	I	N	G	O
ALABAMA LEGISLATURE	25 YEARS OLD	QUOROM	COURT OF APPEALS	GOVERNOR'S STAFF
LIEUTENANT GOVERNOR	HOUSE OF REPRESENTATIVES	JUSTICES	SUPERNUMERARY JUDGES	IMPEACHMENT
GOVERNOR	STATE TREASURER	Free	GENERAL	CIRCUIT COURT JUDGES
ALABAMA SENATE	30 YEARS OLD	PRESIDENT PRO TEMPORE	GENERAL TRIAL COURTS	*** ___JUDGES
ALABAMA SUPREME COURT	HONORARY STAFF	SPEAKER	5 JUDGES	CONSTITUTIONAL OFFICER

151

***Supply the number of judges in your circuit.

184

LEGAL				
L	I	N	G	O
ALABAMA	SECRETARY OF STATE	REVENUE	GENERAL	39
GOVERNOR	ANNUALLY	SPEAKER	GENERAL TRIAL COURTS	CONSTITUTIONAL OFFICER
ALABAMA LEGISLATURE	25 YEARS OLD	Free	2 APPELLATE COURTS	*** ___JUDGES
ALABAMA SUPREME COURT	DIRECTOR OF FINANCE	EXPULSION	CIRCUIT COURTS	GOVERNOR'S STAFF
ATTORNEY GENERAL	HOUSE OF REPRESENTATIVES	SPECIAL SESSIONS	COURT OF CIVIL APPEALS	REPRESENTS THE STATE AT BOARD OF EDUCATION MEETINGS

185

LEGAL

L	I	N	G	O
ALABAMA SUPREME COURT	HOUSE OF REPRESENTATIVES	QUOROM	CIRCUIT COURTS	*** ___JUDGES
ALABAMA SENATE	30 YEARS OLD	FIRST MONDAY IN OCTOBER THRU JUNE 30th	CLERK OF SUPREME COURT	IMPEACHMENT
LIEUTENANT GOVERNOR	STATE TREASURER	Free	COURT OF CIVIL APPEALS	REPRESENTS THE STATE AT BOARD OF EDUCATION MEETINGS
STATE CONSTITUTION	25 YEARS OLD	21 YEARS OLD	4 YEARS	39
GOVERNOR	SECRETARY OF STATE	JUSTICES	2 APPELLATE COURTS	POPULAR ELECTION

***Supply the number of judges in your circuit.

LEGAL

L	I	N	G	O
ALABAMA SENATE	HONORARY STAFF	SPEAKER	CLERK OF SUPREME COURT	REPRESENTS THE STATE AT BOARD OF EDUCATION MEETINGS
STATE CAPITOL	25 YEARS OLD	SPECIAL SESSIONS	4 YEARS	POPULAR ELECTION
LURLEEN WALLACE	DIRECTOR OF FINANCE	Free	CIRCUIT COURTS	GOVERNOR'S STAFF
LIEUTENANT GOVERNOR	ANNUALLY	REVENUE	5 JUDGES	*** ___JUDGES
ALABAMA LEGISLATURE	COUNTIES	21 YEARS OLD	COURT OF CIVIL APPEALS	39

LEGAL

L	I	N	G	O
ALABAMA	30 YEARS OLD	REVENUE	4 YEARS	*** ___JUDGES
ATTORNEY GENERAL	COUNTIES	PRESIDENT PRO TEMPORE	COURT OF CIVIL APPEALS	GOVERNOR'S STAFF
STATE CAPITOL	DIRECTOR OF FINANCE	Free	GENERAL TRIAL COURTS	CONSTITU-TIONAL OFFICER
STATE CONSTITU-TION	SECRETARY OF STATE	FIRST MON-DAY IN OCTOBER THRU JUNE 30th	CIRCUIT COURTS	CIRCUIT COURT JUDGES
ALABAMA LEGISLA-TURE	HONORARY STAFF	SPECIAL SESSIONS	GENERAL	IMPEACH-MENT

***Supply the number of judges in your circuit.

LEGAL

L	I	N	G	O
LURLEEN WALLACE	STATE AUDITOR	EXPULSION	2 APPELLATE COURTS	POPULAR ELECTION
ALABAMA SENATE	30 YEARS OLD	JUSTICES	5 JUDGES	CIRCUIT COURT JUDGES
STATE CAPITOL	STATE TREASURER	Free	SUPERNU-MERARY JUDGES	GOVERNOR'S PLEASURE
ALABAMA LEGISLA-TURE	COUNTIES	21 YEARS OLD	COURT OF APPEALS	REPRESENTS THE STATE AT BOARD OF EDUCA-TION MEETINGS
ALABAMA	SECRETARY OF STATE	QUOROM	CLERK OF SUPREME COURT	*** ___JUDGES

LEGAL				
L	I	N	G	O
STATE CAPITOL	HONORARY STAFF	SPEAKER	COURT OF CIVIL APPEALS	GOVERNOR'S PLEASURE
STATE CONSTITU-TION	ANNUALLY	FIRST MON-DAY IN OCTOBER THRU JUNE 30th	CIRCUIT COURTS	REPRESENTS THE STATE AT BOARD OF EDUCATION MEETINGS
ALABAMA SENATE	SECRETARY OF STATE	Free	CLERK OF SUPREME COURT	*** ___JUDGES
LIEUTENANT GOVERNOR	COUNTIES	REVENUE	GENERAL TRIAL COURT	POPULAR ELECTION
LURLEEN WALLACE	DIRECTOR OF FINANCE	SPECIAL SESSIONS	4 YEARS	CIRCUIT COURT JUDGES

***Supply the number of judges in your circuit.

LEGAL				
L	I	N	G	O
ALABAMA SENATE	COUNTIES	SPECIAL SESSIONS	2 APPELLATE COURTS	*** ___JUDGES
STATE CAPITOL	DIRECTOR OF FINANCE	SPEAKER	GENERAL	GOVERNOR'S STAFF
ALABAMA LEGISLA-TURE	ANNUALLY	Free	COURT OF APPEALS	CIRCUIT COURT JUDGES
GOVERNOR	STATE AUDITOR	21 YEARS OLD	SUPERNU-MERARY JUDGES	CONSTITU-TIONAL OFFICER
LIEUTENANT GOVERNOR	25 YEARS OLD	REVENUE	GENERAL TRIAL COURTS	REPRESENTS THE STATE AT BOARD OF EDUCA-TION MEETINGS

GO FISH

TO THE TEACHER

This activity may be used as a review of legal terms and their definitions.

This packet contains one deck of 52 cards. Glue each page of 4 cards to a piece of 8½" X 11" medium-weight, colored poster board. Laminate, if possible.

One deck of cards will be needed for each group of 2-5 players. Copies of the "Card sheet" should be made from the masters before any gluing or cutting is done.

PROCEDURES FOR PLAY

Any player deals one card face up to each player to determine who deals. The low card deals (2-lowest, Ace-highest). The cards are shuffled, then dealt. Cards are dealt face down one at a time to the left. (With 2 or 3 players, each player receives 7 cards; with 4 or 5 players, each receives 5 cards.) The remainder becomes the "Fish Pond."

The player to the immediate left of the dealer begins play by saying "(Joe), give me your (kings)." (The person who calls for a card must hold at least one card of that rank.) Assuming that Joe has a king, he would ask the caller for the definition of the term on that king card. If the caller gets the definition correct, "Joe" must give him the card. If the terms is incorrectly defined, the caller does not get the card and play continues with the next caller.

Should Joe not have a king, Joe's response would be "Go Fish." Assuming that the caller draws a king, his pair then is removed from his hand and turned face down on the desk (table). He continues until he fails to make a match. Should he not draw what he called for, the player to the left continues the game.

The player who has the most pairs when the fish pond is dry (cards are all drawn and matched) is the winner.

2

INDICTMENT

Written accusation by a grand jury

2

INCARCERATION

Committment to jail or prison

2

INJUNCTION

Court order prohibiting a specific action

2

IMPANEL

To organize those persons qualified for jury service

3

GRAND JURY

A body of 18 persons invested with power to indict a suspect for a criminal offense

3

GROUNDS

The basis for a legal action

3

GUILTY

Status of being responsible for having committed a crime

3

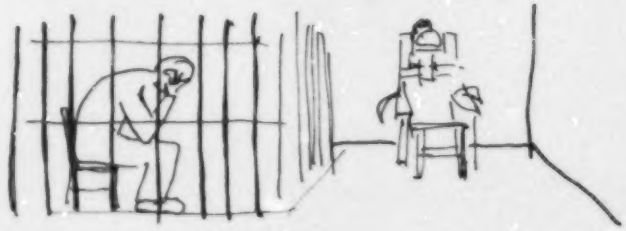
GARNISHMENT

Proceeding to apply to a debt money under the control of a third person

4

CAPITAL CRIME

A criminal offense punishable by death



4

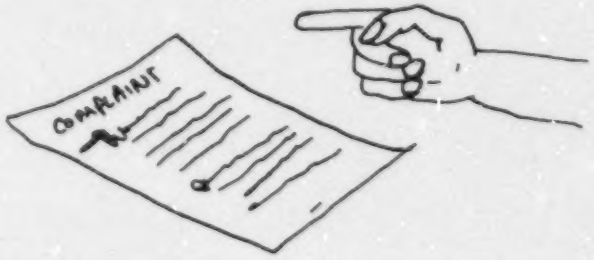
CIVIL LAW

Usually pertains to the settlement of disputes between individuals

4

COMPLAINT

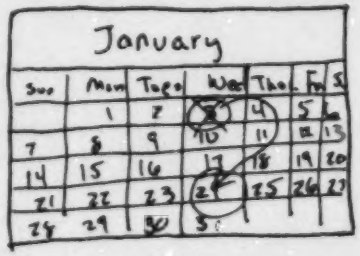
Charge that a person has committed an offense



4

CONTINUANCE

Postponement of a lawsuit to a later date



158

5

BAIL

Money given to a court to guarantee the appearance of a prisoner at his trial

5

BATTERY

Unlawful use of force by one person on another

159

5

BRIEF

A written argument or summary of a case

5

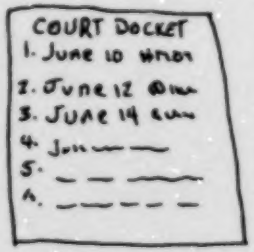
BAILIFF

Court attendant whose duties include keeping order in the courtroom

6

DOCKET

List of cases set down for trial in a court



6

DAMAGES

Money awarded by the courts to someone who has suffered harm or loss

6

DEFENDANT

The party being sued or charged in a court of law

6

DISTRICT ATTORNEY

The prosecuting officer of a judicial district

160

201

202

7

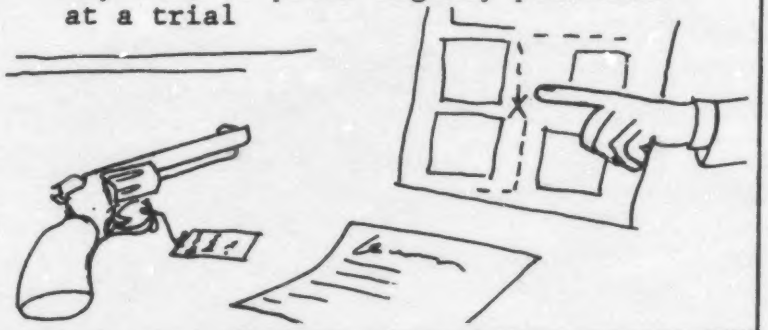
EMBEZZLEMENT

Taking for one's own use the property or money entrusted to him by another

7

EVIDENCE

Any form of proof legally presented at a trial



7

EXONERATE

To free from suspicion

7

EXTRADITE

To deliver a person found in one state to another state where he has been accused of a crime

8

FELONY

A crime punishable by imprisonment for more than one year

8

FEDERAL COURT

A court of the United States as distinguished from a state court

8

FORGERY

False altering of any writing with intent to defraud

8

FRAUD

Intentional deceit intended to deprive another of property or other right

9

JUDGE

Presiding officer of a court

9

JURY

Twelve people selected as prescribed by law to render a verdict in a trial

9

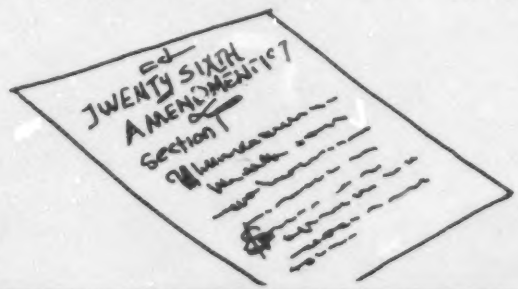
JURISDICTION

Legal authority of a court to try a case

9

JUDICIAL ARTICLE

Amendment to the Alabama Constitution to modernize the state court system



10

TORT

A civil wrong done by one person against another

10

TRESPASS

Act of entering another person's property without permission

164

10

TRIAL

Examination of issues of facts and law in a suit before a court

10

TESTIMONY

Spoken statements under oath

JACK

SLANDER

Spoken words that are untrue and tend to damage a person's reputation

211

JACK

SEARCH WARRANT

A written order by a judge authorizing a search for specific items for use as evidence

212

JACK

SUMMONS

A written notice to someone to appear in court at a certain time

JACK

SUBPOENA

A written notice ordering a person to appear before a court to give testimony

QUEEN

LARCENY

Taking and carrying away of personal goods belonging to another - stealing

QUEEN

LIABLE

Legally responsible

QUEEN

LAWSUIT

A court proceeding to enforce a right

QUEEN

LIBEL

A written statement or picture that damages a person's reputation

166

213

214

KING

MURDER

Unlawful killing of a person with malice aforethought

215

KING

MAYHEM

Crime of disabling or disfiguring a person

KING

MANSLAUGHTER

Unlawful killing of a person without malice or deliberation

KING

MALICE

Intentional doing of an unlawful act

216

ACE

1

ARSON

Malicious burning of a house or building

217

ACE

ASSAULT

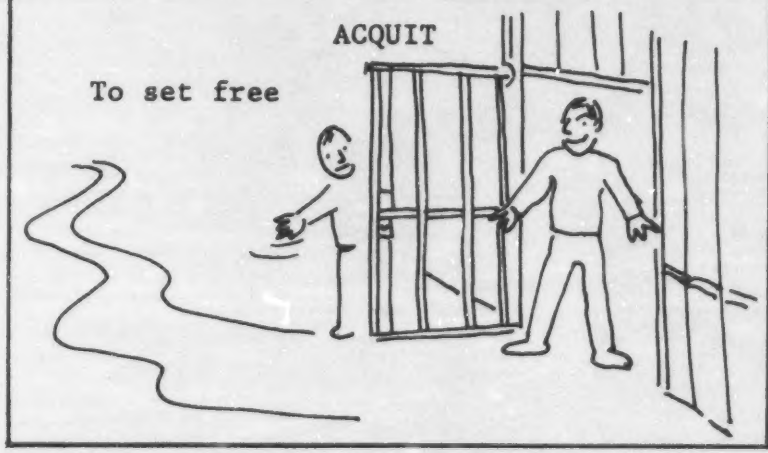
Threat to use force or attempt to physically harm someone

218

ACE

ACQUIT

To set free



ACE

ACCOMPLICE

A partner in crime

168

SUGGESTED RESOURCES

TO THE TEACHER

The following suggested resources have been used successfully by Alabama eighth grade social studies teachers.

* * * * * * * * * * * * * * * *

Youth and the Law Series, a set of six color filmstrips with records or cassettes, uses the inquiry approach to raise numerous questions for further study of Law and the Dissenter,...the Individual,...the Judge,...the Police,...the Youthful Offender.

Doubleday Multimedia
Box C-19518
1371 Reynolds Ave.
Irvine, CA 92713

* * * * * * * * * * * * * * * *

The Scales of Justice: Our Court System focuses on the Supreme Court and then describes the federal court system as a whole. Examples of specific civil and criminal cases illustrate the meaning of jurisdiction. It demonstrates the course of litigation from lower to higher state courts and how a case may come to the attention of the U.S. Supreme Court.

Guidance Associates, Inc.
Communications Park, Box 3000
Mount Kisco, NY 10549

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This Honorable Court: The Supreme Court of the United States uses major decisions of the Supreme Court to illustrate its functions.

Guidance Associates, Inc.
Communications Park, Box 3000
Mount Kisco, NY 10549

* * * * * * * * * * * * * * * *

The Criminal Court: What is a Fair Trial
Enforcing the Law: Understanding your Police Force
Crime and Punishment: Consequences for the Convicted
Exploring Limits of the Law: Unsettled Questions

These filmstrips illustrate ways in which law directly affects individuals. The programs are designed to provide factual

information while encouraging students to express their personal opinions of the cases being studied.

Guidance Associates, Inc.
Communications Park, Box 3000
Mount Kisco, NY 10549

* * * * * * * * * * * * * * * * *

You and Your Rights: Understanding Civil Liberties is a six-part program which helps students understand the guarantees of the First, Fourth, and Fourteenth Amendments.

Guidance Associates, Inc.
Communications Park, Box 3000
Mount Kisco, NY 10549

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Law Posters is a set of ten color posters designed to be used as either bulletin board materials or individual lesson aides. Each poster has an individual teacher's guide. Poster subjects are: Juvenile Rights v. Adult Rights; Criminal Law v. Civil Law; The Adversary System; the Court System; The Legal Scene; Felonies v. Misdemeanors; Probate Court; Torts; Contracts; Corrections.

Justice Publications
3067 5th Avenue
San Diego, CA 92103

* * * * * * * * * * * * * * * * *

The Machinery of Justice, a set of six easy-to-understand filmstrips which show the history and functions of the jury; responsibilities of the judge; evolution of the police force; services rendered by the attorney; history of criminal punishment; parole and probation; trial procedures.

Walt Disney
Educational Media Co.
800 Sonora Ave.
Glendale, CA 91201

* * * * * * * * * * * * * * * * *

Under the Law, a set of eight color filmstrips with cassettes, teaches students their rights and responsibilities under contemporary law, instills values without preaching, and presents a realistic view of legal procedures and personnel.

Walt Disney
Educational Media Co.
800 Sonora Ave.
Glendale, CA 91201

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EVALUATION SHEET

Grade 8

To determine the usefulness of this Supplemental Materials Packet, the teacher is requested to answer and return this questionnaire. Your comments will be greatly appreciated.

1. What is your evaluation of this Packet?
   ( ) Excellent ( ) Above Average ( ) Average ( ) Poor

2. Does this Packet contain useful information?
   ( ) yes ( ) no

3. Does this Packet provide helpful suggestions and activities?
   ( ) yes ( ) no

4. Can the information and activities in this Packet easily be incorporated into your existing curriculum?
   ( ) yes ( ) no

5. How can this Packet be improved? (please specify, e.g. structure/organization, content/coverage, writing style, other). Use additional sheet.

6. If you have specific information/suggestions/activities that you feel would benefit other teachers, please attach to this evaluation sheet.

7. Please complete:

   Name: _____(optional)

   School: _____

   School Address: _____

   _____

   Telephone: ( ) _____

   Grades Taught: _____

   Years Taught: _____

8. Mail to:
   Administrative Office of Courts
   Attn: Julie Young
   817 South Court Street
   Montgomery, AL 36130